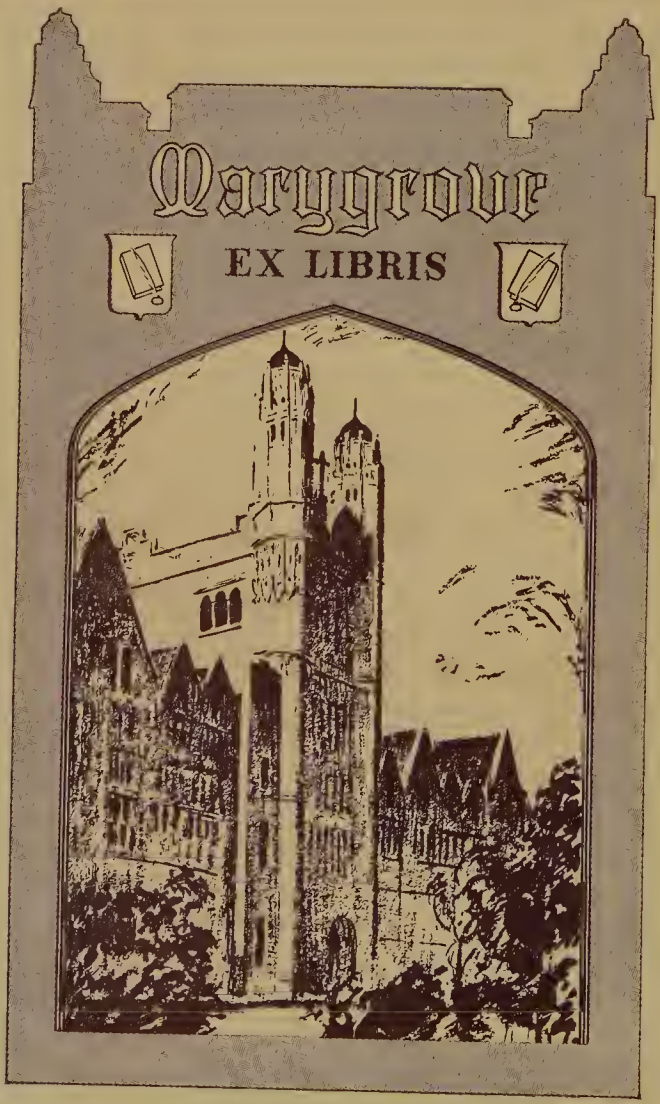
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# THE CATHOLIC QUESTION 1688—1829

# THE CATHOLIC QUESTION

## 1688—1829

## *A STUDY IN POLITICAL HISTORY*

By PHILIP HUGHES
*Licencié en Sciences Historiques*
*(Louvain)*

"It is not as in a struggle of conflicting parties, that I would ask the House to interfere. It is to a great State Question that I wish to direct their attention . . . . which must be settled if we wish to give peace to the United Kingdom."

CANNING, on the Catholic Question
*House of Commons 22.6.1882*

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# PREFACE

THIS study was in its origin an attempt to find an answer to several questions. One of the Cabinet responsible for the Catholic Emancipation Act recorded the King's speech announcing the change of policy as the most important since perhaps the Revolution of 1688. Earl Stanhope, again, writing the life of Pitt, recalls the Catholic Question as the rock on which for thirty years one ministry after another foundered. What was it gave the Catholic Question such an importance in the eyes of the statesmen of those thirty years? What was the real nature of the Catholic Question? Under what inspiration and in the name of what ideals did so many of the great men of the day oppose what to us seems a matter of elementary social justice?

The answer to these questions, it would seem, should be sought along the lines of political history. When the question is answered another chapter and an important one will have been added to political history. Needless to say this study does not profess to provide that full answer, to write that missing chapter. It is no more than what it professes to be, a study in political history, and it deals only with those elements of the matter which the circumstances of its composition enabled its author to examine. Notably he was limited in his use of sources to those already published, and it is in a new use of these rather than in the more exciting novelties of new discoveries, that what merits his study may have must lie.

To the Rev. Arthur O'Connor the author owes much for the inspiration to begin this study, and for the encouragement to persist in it, and he cannot omit a very grateful acknowledgment to the two friends whose devotion saved him hours of drudgery in the matter of controlling sources, correcting MSS. and proofs and of preparing the index.

PHILIP HUGHES

St. Chad's Rectory,
Manchester.

*July* 1929

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# BOOK I

# THE RULE OF THE ASCENDANCY

## Chapter I

## THE ASCENDANCY VICTORY

It was the nineteenth of October, 1688, and at Hellevoetsluis all was bustle and excitement. Day by day through the previous fortnight of storm the last preparations had been made, the stores collected and put aboard, the huge army brought down from the camp at Nijmegen in a multitude of small craft, and, last of all, its three thousand horses shipped. The Prince of Orange was ready to sail on his mission of pacification to the realm of his uncle and father-in-law, the King of England. It was purely a mission of pacification, the courts of Europe, and particularly the courts of the Prince's Catholic allies, had been assured : an expedition to reconcile the King and his discontented nobility, and the troops who accompanied the Prince were "solely for the protection of his person." He had, of course, no intention of injuring the King, nor the rights of the four-months-old heir—had he not recently sent a special mission of congratulation when the heir was born ? The succession to the throne was in no way his concern, but as a Prince on whose action the future of European peace so largely depended, as the contriver of the great anti-French alliance—the League of Augsburg, he could not but be interested in the civil dissensions that threatened in England. These healed, England too might contribute to the peace of the nations, menaced, as ever, by the aggression of the French king.

This English king was, it is true, a Catholic, and one of the main causes of the discontent that the Prince desired to heal was

the King's religion and his determination that it should not in England involve civil death for those who professed it. But here too, for his part, the Prince could claim for his aims the same disinterestedness that marked his efforts in the cause of international peace, and to these Catholic allies he pledged himself to employ all his credit and authority to secure to the English Catholics liberty of conscience and freedom from persecution. This to his Catholic allies, to the Emperor, to the King of Spain, while, three days before he sailed, in a solemn audience of farewell, the States-General bade him God-speed as the deliverer and protector of the Protestant Faith.

A solemn fast was proclaimed for the day of departure. Services that began at seven in the morning, and continued through the day until nightfall, long prayers and longer sermons filled all the churches of The Hague, while, in the chapel of the Spanish Ambassador, a solemn high mass was sung for the success of the expedition.

That afternoon the Prince set sail, the force for his personal protection—12,000 men—accompanying him in two hundred transports which, again, fifty warships guarded. But the weather was contrary and in the storm which came on with night the fleet was dispersed, and with such losses that the ships were ordered back to port. Twelve days later, the "Protestant wind" returned and, on the evening tide, the armada of peace set out once more. The Prince flew the English colours with the motto "*The Protestant Religion and liberties of England,*" and below, in place of *Dieu et mon droit* the device of his family *Je maintiendrai.* On Friday the second of November they passed the Straits of Dover, all the bands playing and a huge crowd on both coasts gazing at the spectacle. The wind that helped them kept the English fleet in the Thames, and so, unmolested, the Dutch passed the Isle of Wight on Sunday, and in the bright sunny weather of the following afternoon the Prince of Orange landed his army at Torbay. The success of his diplomacy—the months of lying and forgery on a scale that gives him his unique place even among men of state—advantaged by the luck of the weather, had brought to a happy conclusion the first phase of his scheme

to possess himself of the resources of England as a permanent arm against the French King![1]

Six weeks filled with crisis followed the landing. The motley host of mercenary invaders moved through country disappointingly apathetic, on Exeter, whence fled the Bishop on their approach. Then, slowly, came the first cautious desertions, and, as the leading conspirator the Earl of Shrewsbury had assured the Prince, the ice once broken the rest followed easily.[2] Throughout England the other conspirators moved in their appointed rôles; simultaneous armed demonstrations in favour of the Prince headed by the local magnates, in York, in Cheshire, in the Midlands, in East Anglia and in the West.[3] The King, in whom surprise first turned to dismay, and then as the desertion and treachery showed itself universal, to the uncertainty of panic, moved out to his army at Salisbury. New treacheries, in his very family, and a narrow escape from a snare that would have made him the Prince's prisoner, completed the rout of his decision, and in another week he was back in the capital determined on flight, and concerned chiefly how best to achieve it. He first despatched his wife and the baby Prince of Wales to France, and in the night of December 10th himself passed out secretly from his palace of Whitehall.

Twenty-nine of the peers came together at the Guildhall and assumed the direction of the State.[4] They sent an order to Feversham, commanding the royal army, and bade him remove it further from the capital. They sent a second order to the Admiral, Dartmouth, bidding him abstain from all hostilities should he meet the Dutch fleet, and they put out a Declaration to justify their action. The King had withdrawn, and, "that he might rescue them from slavery and popery," they had determined to apply to the Prince of Orange, whom they would assist in bringing together a parliament "in which our laws, our liberties and properties may be secured." Meanwhile they proposed to disarm all Papists and arrest what priests could be found, and they took possession of the Tower.

There followed two days of wild anarchy in which the houses and chapels of the Catholics were sacked, and the curious panic

of "Irish night" that at midnight suddenly filled the streets of the capital with honest citizens armed to defend themselves against the imaginary hosts of Irish Papists "up and cutting throats." Then, on the fifteenth, the King returned, a quasi-prisoner stopped off Sheerness in his flight.

The parade of negotiations with the Prince, by this time at Windsor, was resumed, but he was determined on forcing the King to another flight. The King's ambassador was arrested, a regiment of the invading army took possession of the palace, and the King was roused in the night with a peremptory order to leave the capital for Ham. He objected to the residence selected for him, and, the Prince of Orange consenting to his preference for Rochester, at noon on December the 17th, the prisoner of the Dutch, he left London once more and for ever. Three hours later the Prince of Orange with six thousand men marched in and installed himself in the dispossessed King's palace of St. James.

From St. James' the Prince summoned as a council what peers were available, and while the seventy who came together debated how most securely they might legalise his victory, and how dispose of the embarrassing survival of the King, the latter, doubting their intentions and the safety of his life, availed himself of the escape the Prince had designed and, unhindered this time, made his way out of the realm.

The Lords still in session at Westminster besought the Prince to summon a convention by writs similar to those by which the Kings summoned their parliaments, and until it met to continue in his exercise of the executive power. He assented, and pledging anew himself and his life for the defence of the country's religion and liberties, issued writs for a convention to meet a month later, January 22nd, 1689.

The convention was elected, and for a fortnight the debates dragged on as the different factions of the nobility and gentry strove how best to accommodate the present opportunity, their ultimate interest and a decent appearance of legality. Without difficulty both Houses resolved that "experience hath shown it to be inconsistent with the safety and welfare of the Protestant

religion to be governed by a popish prince," and when the disputes on the further question of how best the transfer of the crown to the Prince of Orange might be given a semblance of lawfulness threatened to delay that happy event indefinitely, the Prince intervened directly and decisively. The legal pedantries were abandoned and, by a majority of twenty votes, the resolution was finally carried that the Prince and Princess of Orange should be declared King and Queen of England and of all the dominions thereunto attaching. This was on the sixth of February, but before the address that embodied the convention's request was presented and formal offer to the Prince of the Crown was made, it was decided to make it at the same time the legal guarantee against any future royal initiative. The Prince protested against the motion, threatened even a return to Holland, but the nobility were fixed and, if he would not relinquish what his ambition had just gained, he had no choice but to submit. The Crown was offered in the Declaration of Rights—a carefully worked out scheme of limitations on the Crown's prerogative presented as the price that the Prince must pay for the proffered throne. He consented to the surrender. Accepting the crown he accepted the limitations imposed on it, and the authority that imposed them, and on the thirteenth of February, 1689, after a formal ratification of the treaty in that banqueting hall whence forty years before his grandfather had gone forth to the scaffold, the Prince of Orange with his wife were proclaimed King and Queen. A new age had begun in the history of the English people.

In all these months of revolution, as in the months of intrigue that preceded and prepared it, there is no hint of any activity save that of the kingdom's wealthy men. It is the great landowners who move across the stage, the millionaire London merchants in discreet attendance. It is an aristocrat—Herbert—who steals to Holland with the covenanted invitation to the Prince of Orange that seven other wealthy aristocrats have signed. It is only as the Aristocracy desert the King that in the month that follows his landing William's following slowly grows. The populace fills the streets to see the pageantry. It cheers the

incoming processions of the great, whether it be James returning from Rochester a last time to his capital, or William a few days later entering it in triumph. In its worst representatives, it seizes eagerly the opportunities for loot and plunder in the days that precede and follow "Irish Night." But of political action by the people, either for the invader or in defence of the King, there is, of course, not a sign.

In the England of 1688, as in England now for many centuries, and as in the England for generations yet to come, political action was the exclusive privilege of the few ; it was peculiarly the privilege of the country's landed wealth. It was not the will of the people that prevailed in 1688—the will of the people, presuming that such a thing existed, nowhere entered into the question—but the will of the majority of the great landed proprietors. The Revolution was an affair of the Aristocracy, the revolutionaries were members of the House of Lords, and the effect of the Revolution was the establishment of the Lords in undisturbed supremacy for a century and a half.

It was from seven peers or near relations of peers that the invitation to William had proceeded: the Earls of Devonshire, Shrewsbury, and Danby—three of the country's wealthiest landowners—and Viscount Lumley; Compton, Bishop of London, the son of an Earl of Northampton, Henry Sidney, a younger son of the Earl of Leicester, and Edward Russell, the seventh signatory, nephew of the millionaire Earl of Bedford. Peers again had conducted the intrigues with William in all the previous two years, and (the decisive action of the Revolution) once the Prince had landed, peers in every part of England rose in arms to support him. It was this simultaneous general insurrection of influential peers that really decided the fate of the Crown. Dugdale in his *Ancient Usage of Arms* gives a list of these Peers[5] who rose in arms for the Prince of Orange, and a study of the origins of their titles throws no little light on the nature of the forces that had created the new state for the English people in 1688.

These peerages are, for the most part, of very recent creation, and the wealth in which they originate has very often a close

connexion with the introduction of a new religion in the previous century. More, there is the closest of interrelation through marriage between all the lords whom Dugdale names.

Of the thirty-eight titles in the list, six only are of earlier date than the reign of Elizabeth, the Dukes of Norfolk, Somerset and Ormond, the Earls of Shrewsbury and Rutland, and the Lord Grey de Ruthin. Three creations are Elizabethan, six of James I, ten of Charles I, and nine of Charles II. The Elizabethan creations are Grey and Groby (a younger branch of an ancient noble family), Compton and Burghley (families enriched and made prominent by their service to the new religion). The six peerages in the group that are of James I's creation are grants to the same type of wealthy men; two to the Cavendishes of Derbyshire, who ten years later could buy promotion for the enormous sum of £10,000; the first of the many peerages to the Montague family in the person of the first Lord Manchester, and a second peerage to the Cecils. Another peerage went to an adventurer successful in the day's great swindle—the confiscated Irish estates —and the sixth was to the wealthy nephew of the minion Buckingham.

The ten in the list who date from Charles I include yet another Irish adventurer (his mother a London merchant's heiress), a viscountcy in her own right to the descendant of Tudor crown lawyers (a woman whom again a contemporary describes as "the richest widow in England"), the son of an exceedingly wealthy Lord Mayor of London, a couple of soldiers distinguished for professional service, and the rest landed proprietors. The Restoration contributes to the group peerages (and accompanying grants of land) in reward for loyalty to the Royal cause in the Civil War, peerages to a crown lawyer, to ministers, to the wealthy younger son of yet another Reformation peer, a peerage to one of the King's natural children and another to the brother of the King's brother's mistress.

A curious feature of this group of lords is their close interrelation by marriage. Manchester, Radnor, Scarsdale and the Countess of Nottingham had a common ancestor in the second Earl of Warwick, dead only thirty years before. Again

Manchester, Rutland, Abingdon and Danby's wife were nearly related, descendants with other contemporary nobles of that pliant tool of Henry VIII, the Chief Justice Montague. Danby's wife and Abingdon were brother and sister, near cousins to Cullen the heir to the great Cockayne fortune, and the son of Danby was married to Bath's daughter. Exeter, Stamford and Warrington again were cousins; Exeter's wife was Devonshire's sister, his mother was sister to Rutland; while Northampton, nephew to Compton, Bishop of London, one of the seven signatories, was yet another of Rutland's nephews. Ferrers and Romney were nearly related to each other and both of them, more distantly, to the Warwick group. Shrewsbury was cousin to Rivers and nephew to Westmoreland.

So one might go on indefinitely through this maze of genealogy. "Damn the Whigs, they're all cousins," said the first prime minister of the new industrial wealth when, centuries later, they ruined his cabinet making. The cousinship was as true in 1688 as in 1835, as true of Tories as of Whigs, and a fact that had its own importance in shaping events.

## Chapter II

# "THE LIBERTIES OF ENGLAND AND THE PROTESTANT RELIGION"

### (*i*) *The Legislature*

The most evident organ of the aristocracy's ascendancy in the political life of the country was, of course, the House of Lords. In fact as in theory the House of Lords was the assembly of the country's great men, sitting there by right inherited with their titled rank. This rank in its origins was associated with the land they owned, and although the recent abolition of feudal tenures (1660) had brought to an end the necessary connexion between a peerage and ownership of land, the social habit that bound the two so intimately still endured, and was to endure, as an active force for many years yet to come. Hence through all the hundred and fifty years of oligarchic rule the peer was, by jealously guarded convention, a landowner; the ownership of land through generations of inheritance the first condition of eligibility for hereditary rank, and the wealth that derived from land the only wealth with social consequence and direct political power.

The House of Lords, as the Revolution of 1688 found it, was not numerically a very large body, and—as was the case of the group whose action decided the Revolution—the most of its members were lords of very recent creation. Only thirty, in fact, could boast a title more ancient than the creations of the reigning King's grandfather, and very much fewer than thirty a title that dated from before the economic revolution of the sixteenth century. It was in this great transfer of national wealth which stabilised the new religion that the Cavendish Dukes of Devonshire and Newcastle, the Russell Duke of Bedford, the Cecil Earls of Salisbury and Exeter first gained that hold on

the national government which the Revolution was to consolidate and secure. Of the other names familiar in the history of oligarchic supremacy, the Duke of Marlborough was a newly created Lord Churchill—already sufficiently prosperous by his sister's adulterous connection with the King to make his treason to that King important—and the Dutch Dukes of Portland were still in Holland. The Pelhams and the Walpoles were but wealthy country squires, of local importance, and some parliamentary connection, but, as yet, of no hereditary political place. The Leveson-Gowers, too, had yet to make their first step in the peerage, as had also that clan of Temples and Grenvilles that was in two or three generations to astonish even contemporaries by the number of honours and amount of public money it managed to accumulate.

Eighty-five years earlier, at Elizabeth's death, the House had counted no more than fifty-nine members. To these James I in twenty-two years had added another sixty-two, his sons and grandsons a hundred and twenty-three. But a synchronous process was busy extinguishing titles by death almost as speedily as interest, prevailing over the royal reluctance, called into being the horde of new nobility, and so despite these nearly two hundred additions to the fifty-nine of 1603, the House in 1688 had a membership of only one hundred and fifty-three.[1]

In the years that lie between the Revolution and the accession to power of William Pitt—popularly considered the founder of the modern House of Lords—another hundred and forty-four commoners were ennobled, and during his tenure of office and the generation that followed, yet another one hundred and two peers still continuing to die without legitimate male issue, titles were extinguished only less rapidly than new ones were called into being ; and after all this vast activity of social ambition and ministerial necessity, the House of Lords in 1780 numbered only ten members more than in 1714. In 1783 began what those already ennobled considered the degradation of nobility with the lavish creations and promotions of the younger Pitt's first ministry. But even after all this rain of titled splendour, and allowing for the Scots peers brought in in 1707, and the

Irish peers added in 1800, there were in the House that rejected the Reform Bill in 1831 no more than three hundred and ninety-six members.

The list of the new peers created between 1702 and 1783 has been carefully analysed.[2] Statesmen, politicians, soldiers and admirals, the trained professionals, who filled the great legal posts of Lord High Chancellor and Lord Chief Justice, children and grandchildren of peers—with very few exceptions indeed this army of new nobles is recruited from the landed gentry. "The peer of obscure social origin is rara avis."[3] The same is true of the peerage as "modernised" by Pitt and the politicians of the generation that followed his death. Of the hundred and two new English creations for which they are responsible, twenty-three were to sons or grandsons of peers, twenty-seven for service in the only professions conventionally allowable to the gentry, the Navy, the Army and the Law, and of the remaining fifty-two peerages twelve were to baronets. Practically all of them went to men whose wealth derived immediately from land, and it was only after repeated efforts on Pitt's part that George III consented to the ennobling of the first Lord Carrington in 1796. He had made the beginnings of his fortune as a draper and banker, and this seemed sufficient to bar him from all possibility of a peerage. Baronetcies to traders and merchants we do indeed meet, and with greater frequency as the revolution in industry and transport proceeds. Merchants' daughters marry into the peerage and—though less frequently—the daughters of the newer industrial wealth, but the ennobling of a man who has himself engaged in these less reputable sources of prosperity is rare—so rare as to be almost unique.

The possession of land was the key, for by social convention this form of wealth alone made a man "gentle," and with land went political influence—the control of elections to the House of Commons. It was for service to the government of the day in controlling elections that some two-thirds of all these peerages—so it is calculated—were bestowed.[4]

The House of Lords was thus in 1829 what it had been in 1688, "an assembly of great landowners, of men bound together by the

tie of common interest, and because of their authority in their respective districts, able to wield a great authority in Parliament."[5] It was in this "authority in their respective districts" and in their predominance in the Cabinets of the day, rather than in the mere hereditary right of legislation, that the power of the landed aristocracy lay, for the men who filled the benches of the Upper House determined the choice of between two-thirds and three-quarters of the members of the Lower, and were in such overwhelming majority in the Cabinets of the time as to make Cabinet office, too, their exclusive privilege.

Landed wealth monopolised the House of Lords, it dominated the Cabinet and it was no less exclusively powerful in its control of the House of Commons.

Whenever the realism of scientific history begins to affect political geography a new map will enrich our atlases. It will show, in a blaze of all the tinctures known to heraldry, the real rulers of eighteenth-century England, for it will be divided and coloured according to the spheres of influence of the Revolution families. Pelhams, Spencers, Temple-Grenvilles and Leveson-Gowers, Cavendishes, Russells and Bentincks, Lowthers, Wentworths, and a few score less distinguished satellites, will there be represented in patches of greater or less extent, but equal splendour, for these were the men who disputed the control of the elections of the knights from each shire, and who, in most cases, dictated outright the choice of the citizens and burgesses from the towns.

The county electors were uniformly the forty shilling freeholders, and since not even the greatest of lords could always own and control a whole county—Yorkshire by its size defied to the end the calculations of the most expert jobber—it was in the county elections that the free and independent voter had his best chance. But his choice was, of course, between magnates—and this limited choice only if the rival magnates decided to fight rather than compromise; and, except an issue of unusual popular interest presented itself, compromise in county elections was the order of the day. Even had these been all of them true elections, county members only counted ninety-two in a total of

513 English members. Four members represented the ancient universities, and the remaining 417 the citizens and burgesses of some 215 towns. They were elected, these borough representatives, on a multitude of franchises so numerous, so diversified and so bizarre that it is hard to classify or to account for them. In some towns the franchise was so wide that the practical result was adult suffrage. In others it was restricted to the municipal corporation—itself often self-elected or nominated by local magnates—or to a tiny number of men holding land by ancient tenures. In the vast majority of boroughs the electorate was so small that the local great family was absolute master of its vote.

There was the county of Cornwall, the paradise of the political jobber, with its forty-four borough members, sixteen of them from a group of boroughs centred round Liskeard whose total electorate numbered less than 400. Twelve counties in the south of England, with less than a fourth of the country's population, elected through their cities and boroughs nearly one-half of the members of Parliament. Boroughbridge and Aldborough—two Yorkshire villages divided by the Ure—with populations of eighty-six and 484, and electorates of sixty-five and fifty, elected each of them two members. The classic types of these curious organs of aristocratic control are: boroughs like Downton, where of the hundred burgage tenures that conferred a vote, ninety-nine were the property of the Earl of Radnor; Gatton, where for 400 years there had never been more than six electors; Dunwich, over the majority of whose pastures the North Sea had rolled for centuries; and the famous Old Sarum. Here in sixty acres of ploughed fields there was not so much as a shepherd's hut, and it was in a tent set up for the occasion in these fields where once had stood a city that the receiving officer received the vote of the seven electors, holders for the occasion, by grace of the landlord, of the tenures that gave the right to vote.

How many of the members owed their places to nomination of this sort it is impossible to say. Grey and Mackintosh, in the famous Reform Petition of 1793, estimated the total as 307 (out of 513), and of these 157 owed their seats to eighty-four patrons.

Forty years later Croker reckoned 276.[6] Dr. Rose, for the Parliament after the Union with Ireland, places the number as high as 487 out of the total 658.[7] We can certainly agree with a modern authority—and the evidence proves him to err, if at all, by the moderation of his estimate—that, "in the last century of the Unreformed Parliament nearly one-half of the members had no constituents to whom they had any responsibilities."

To say exactly how many such members there were is perhaps impossible, but "it is beyond doubt that the number was growing all through the eighteenth century." The Tudors—Elizabeth notably—had created rotten boroughs lavishly as a means of controlling Parliament, and control by the local magnates was not unknown even then. It developed with the growing weakness of the Crown's executive power, and at least one list of noble borough owners at the time of the Revolution has survived for our study. Two of these—the Earl of Aylesbury and Lord Teynham—are credited with eight members each, the Earl of Huntingdon, Lord Preston, Sir Richard Holme each with six, and the Duke of Newcastle with as many as sixteen.[8] Forty years later there were already as many borough-owners as there were when, as a recognised feature of political life, the system disappeared in 1832.

The borough was regarded as the private property of the landlord, the electors were his agents, voting in unquestioning obedience to his instructions. The Duke of Newcastle, taxed in 1830 with the eviction of tenants for electing in opposition to his nominee, protested in Parliament, "Is it not lawful for me to do what I please with my own?" The régime was evidently nearing its end, when noblemen could publicly be given such provocation, but the indignation it called forth would have appeared only natural to all the eighteenth century.

In 1729 an Act of Parliament was passed[9] that closed all further enquiries into electoral franchises, and thus, shutting off all possibility of future revisions or changes, gave "what practically amounted to a Parliamentary title" to the borough-owner. Fifty years later, when Catholics were enabled once more to buy freehold land, manors or boroughs returning members to Par-

liament were excepted along with advowsons. Another evidence of the way in which this aristocratic interpretation of the liberties of England had become an accepted convention, is the idea that money compensation should be made to the borough-owner in the event of the system's being reformed. This was Lord North's opinion, and Pitt found room for it in his Reform Bill of 1785 as well as in the later Act that united the parliaments of Great Britain and Ireland. The Duke of Newcastle, it has been estimated, lost to the value of £200,000 by the Reform Act of 1832, one fact of many to illustrate William IV's plaintive insistence that compensation to the borough-owner was the least a Reform government could decently do for him. It was then only an obvious convenience of life—and a later age will note it appreciatively—that the patron should be listed with his borough in the gazetteer or directory much as we still list the patrons of livings.[10]

The member, where he had not bought the seat, owed his patron loyal and obedient service. "If ever our lines of conduct should become opposite," wrote Pitt, one of Sir James Lowther's nine members, of his patron, "I shall give him the opportunity of choosing another person."[11] Pitt's election was to come off, "probably in a week or ten days, without my having any trouble, or even visiting my constituents." Fox—who by his ancestry should, of all men, have been qualified to speak with authority—thus expressed the situation to the House of Commons. "If [a gentleman] represent a noble lord or a noble duke . . . he is to have no conscience, no liberty or discretion of his own. He is sent here by my Lord This, or the Duke of That ; and if he does not obey the instructions he receives, he is not to be considered as a man of honour and a gentleman."[12] Members who in this fashion voted automatically the patron's ticket formed the great majority of the members of the pocket boroughs. Others were free of such dictation because they had bought their seats and, of course, with a great price.

As a system the sale of boroughs dates back to the decade that followed the Revolution,[13] and prices rose steadily as the new political supremacy of Parliament consolidated. Seats were sold

outright—Cricklade, for example, in 1747 for £1,400,[14]—or leased for a term of years—as Stockbridge, a pioneer in the leasing system, in 1756. Forty years later, result in part of the new fortunes made in India, prices had apparently doubled. Lord Falmouth's three Cornish seats were, in 1784, valued at £9,000, the six owned by Lord Mount Edgcumbe at £18,000 and Lord Montague's two at £4,000.[15] The Act of Union and the social and political ambitions of the new industrialist millionaires sent prices higher still. Five and six thousand pounds came to be regarded as the ordinary market value of a nomination where the seat was bought outright, or, where the candidate was fearful of sudden crisis and speedy dissolutions, a rent of £1,000, £1,200 and even, in the last years of this system, of as much as £1,800 for each year he sat. Boroughs were even advertised as for sale, and so rooted in political habits was the practice that an Act had to be passed, though not until 1809, making such sales illegal. Such seats were an obvious way of approach to the fountain of honour and the realms of privilege for the manufacturer whose wealth had accumulated by ways as yet unhallowed by the convention of the governing class. Through such seats also, more usefully, the Independents, whose efforts in the early nineteenth century brought about the beginnings of reform, entered Parliament and maintained themselves despite their independence.

The members nominated by patrons (they were known as their patron's members—"Adam Hay, Lord March's member for Peebles died yesterday," writes an eighteenth century correspondent[16]—) were on the other hand the supporters, through good report and ill, of whatever government was in power. The ministry in power and that alone could dispense the honours and places and public money to secure which the patron had unk money in his borough. Thence and thence only, could be secured that control of local patronage, that evident headquarters' approval of his local activity, that made the borough-owner in the county where he lived an autocrat whose power all feared, whose right no lesser man would question.

"He through whose hands passed a quarter of the patronage of a county ; who dammed or turned the stream of promotion ;

whose mere hint could consign the troublesome to the press-gang ; who belonged almost as definitely to a caste as do white men in the India of to-day ; who seldom showed himself to the vulgar save in his coach and four, or riding with belted grooms behind him—about such an one there was, if no divinity, at least the aegis of real power, that habit of command which unquestioned authority alone confers, that port of Jove to which men bow."[17]

Among the borough-owners and jobbers not the least considerable was the Government itself—His Majesty's Treasury. Many boroughs the Treasury owned outright, others it bargained for in the open market with the noble lord who controlled them. "Lord Falmouth," wrote the Prime Minister, fighting the general election of 1774, "must be told in as polite terms as possible that I hope he will permit me to recommend to three of his seats in Cornwall. The terms he expects are 2,500 pounds a seat, to which I will readily agree." Falmouth suggested guineas instead of pounds—insisted even—and the disgusted North had to pay.[18] Thirty years later the Whig Ministers in 1807 paid the expenses of the Whig candidates in the contested elections from the profits made by the sale of boroughs bought cheap from loyal Whig magnates and sold, more dearly, to candidates of equally guaranteed orthodoxy. They were in the event defeated, and we know that the Tories—Perceval and Lord Liverpool—were victorious, partly at least, because George III helped them liberally, from the fruits of his domestic economy, to outbid his late ministers in the borough market. Whether the Treasury had permanent control, or whether it bought control for the occasion, it nominated absolutely, merely sending down to the returning officer the names of those to be returned. It was skilful borough-mongering by the Treasury, in which the great Whig magnates loyally co-operated, that alone made possible the election of the majorities that carried the Reform Act of 1832.[19] The money for these necessary exercises of statesmanship came largely from the privy purse and the secret service fund—a system which lasted down to 1832 at least.

Where, in all this maze of private arrangement and mutual

advantage it may be asked, lay the opportunity of the free and independent elector? Save in some few great constituencies such as Preston and Westminster, which practically enjoyed adult suffrage, the independent voter, it must be owned, only functioned when there were, in his borough, two controlling influences and the two fell out over the spoils—a rare enough event in the Parliamentary history of a century when unopposed returns at times grotesquely outnumbered contested elections.

Membership of the House of Commons was, by a property qualification, restricted to the class that controlled its elections. An Act of 1710[20] fixed an annual income of £600 from landed property as the necessary qualification for county members, and £300 for those from cities and boroughs.

The Revolution House of Commons was thus a House by the grace of the landed interest, and some analyses of its membership bring this out very graphically. An obviously suitable member was the son of the local magnate and the number of peers' sons in the House of Commons was always very high. In the House of 1740 a contemporary could reckon only thirty-six merchants. There were ten planters, thirty-six practising lawyers, sixty-three officers and 314 country gentlemen—more than half the House of 558.[21] Fifty-six years later a future Speaker, then newly elected, noted in his diary that the members included seventeen Irish peers, 116 sons of peers, and eighty-nine knights and baronets.[22] Law and the Army, with thirty-eight and fifty-eight members respectively, have the same proportions as in 1740. Members classed as merchants have risen from thirty-six to fifty-five. The House of Commons then, as much as the House of Lords, is in fact the instrument of the country's wealth, almost exclusively of the wealth deriving from land.

Admirably as this medley of fantastic anachronisms served the ruling oligarchy, it was in Scotland that, more than anywhere else, popular institutions were its tool. Since the Union of 1707, Scotland had been represented in the Parliament of Great Britain by forty-five members—one more member only than represented the English county of Cornwall. Thirty of these

Scottish members sat for the counties, and fifteen were elected by groups of boroughs. Brougham described the system in 1831, speaking to the House of Lords : "As far back as the records of authentic history go, there has never been anything deserving the name, nor even approaching to a popular election, anything like an election for borough or city, anything which would convey to the mind of an Englishman, or a Welshman, or an Irishman a notion of what an election is."[23] The county electors who in 1788 numbered, all told, only 2662, were the property of the landlords, and Adam gives a long list, county by county, of the great men with the number of votes they controlled. Five counties only could boast more than a hundred and fifty electors, while nine had less than forty each. Nairn had twenty electors, Clackmannan sixteen, and Bute the round dozen.[24]

In the sixty-six boroughs which together elected fifteen members, the number of electors varied from the nine of Kinross to the thirty-three of the capital. In all they were only 1303!

This system, planned at the Union, was planned for no other purpose than to make parliamentary influence a marketable commodity. Already in 1710 the four Dukes of Hamilton, Queensbury, Argyll and Atholl controlled between them the whole machine,[25] and thenceforward until 1832 it was the special province of the Lord Advocate to secure the Scottish members *en bloc* for the government of the day. Quite literally he managed Scotland, and that he might manage successfully, the distribution of enormous patronage was placed in his hands.

One of the earliest of this dynasty of Government "managers" was Lord Islay. "The currency of spoils so used by Islay had come into existence between the Revolution and the Union. King William, who as Prince of Orange had already the reputation of an unscrupulous politician, soon began to act both in England and Scotland in keeping with his reputation."[26]

The system reached the perfection of its achievement under Henry Dundas, who "managed" Scotland for North and afterwards for Pitt. For a long thirty years he was the country's absolute ruler, possessing "the means of rewarding submission

and of suppressing opposition beyond what was ever exercised in modern times by one person in any part of the Empire." Lord Cockburn's memoirs recall very vividly this period when "a country gentleman with any public spirit except devotion to Dundas was viewed as a wonder or rather as a monster. This was the creed also of almost all our merchants, all our removable office holders, and all our public corporations."[27]

The forty-five Scotch members were thus, throughout the 125 years that separate the Act of Union from the Reform Bill, a solid phalanx of ministerial support. The extensive patronage in the hands of the Lord Advocate played its part, no doubt, in determining the preponderance of Scottish effort in the building up of the nation overseas, but it earned for Scotland itself the unpleasant reputation of being, throughout the period, "the most servile and corrupt portion of the British Empire."[28]

Political theories ceased to be of account, realism ruled unchallenged, and the parliamentary fight became for the most part a duel between the men who enjoyed the lucrative jobs and those who coveted them. "In the eighteenth century everyone at some time or other was tempted to call himself a Whig."

It was not democracy, but then no one pretended it was, no one desired that it should be. The Attorney-General, prosecuting in one of the Treason Trials in 1793, could reproach the prisoner with aiming at the establishment of representative government, "the exact contrary of the system established in this country." Against all danger of such excess the "system" was a happy safeguard, and a contemporary[29] could thank God that the elections "do not depend on the giddy mob," explaining that "When we talk of the people with regard to elections, we ought to think only of those of the better sort, without comprehending the mob or the mere dregs of the people."

To bear the heats and burden of Government was the duty and exclusive privilege of "the better sort." It was then only just that they should enjoy whatever of honours and of more concrete reward the system had to offer. And these were by no means lacking.

### (ii) *The Rewards of Power*

"Britons of their own free will grouped themselves around the throne on the steps of expectancy," and in every generation some member of the government had for his constant occupation the satisfying of that expectancy at the minimum of cost to the ministry. So Robinson served Lord North, so Rose in England as Dundas in Scotland served Pitt. Or if he possessed himself the gift, the Prime Minister was his own manager and wheedled and threatened, cajoled, bribed, and lied along with the best. It was his infinite patience with even the smallest of the small fry in the world of jobbery, brought, in the daily practice of forty years' occupation of high office, to the perfection of great art, that enabled the Duke of Newcastle to maintain himself in power during one of the greatest crises in our history, despite a stupidity and incompetence that make him unique among Prime Ministers. Forty years later than Newcastle, the judicious assignment of bribes was still the curse of a Premier's life, and, though Rose and Dundas laboured heroically to relieve him, "perhaps a sixth part of Pitt's time was taken up reading and answering correspondence relating thereto."

Places at Court were eagerly sought whether for the social prestige they carried with them, or for the opportunities of intrigue they afforded. The peer hoped for higher rank, the commoner for a title: the one and the other, sinecures and places for himself, his family, his dependants. The Revolution of 1688 brought rapid promotion, naturally, to the nobles who had worked it, and in six years William III enriched the peerage with nine dukes. Another shower of honours and promotions marked the successful negotiation of the crisis of 1714, and if, with the Whig ascendancy securely established, George II and George III were less lavish in their creations, the last King's victory over Fox and North in 1783 saw the politicians by whose help he achieved it, liberally be-titled and be-starred. Irish peerages, especially from the mid-eighteenth century, were for the anxious minister a particularly happy means of rewarding service. The Irish peer could vote in the English House of

Commons, and for the English commoner thus ennobled, his Irish peerage was dignified earnest of favours yet to come. In 1776 eighteen commoners were thus ennobled in the short space of less than eight weeks and twelve Irish peers received an increase of rank, "a mob of nobility" whose eagerness for such insignificant honours caused George III much private mirth. Seven years later the critical condition of the Fox-North ministry was responsible for another eight creations within eight weeks, while the period that preceded the Union in 1800 saw such a profusion of creations, and such unabashed huckstering over the prices, as remains yet a wonder despite the feats in this direction of ministeries we can all remember.

With the Irish Peerage there was, no less ready to hand and no less welcome, "the best Irish preferment" lay and ecclesiastical, pensions and highly-paid offices, their duties done by deputy, used systematically "to purchase Parliamentary support at Westminster, and for favourites whom English ministers dared not recommend for pensions or office at home." [1]

This eighteenth century was perhaps the golden age of sinecures—offices whose duties came to an end about the time when Gatton and Old Sarum lost their populations, but whose salaries survived—even increased—to the profit of the ruling aristocracy. Thus Lord Camden who died in 1840 was for years Teller of the Exchequer—a none too onerous post which brought him £23,000 yearly. Another Teller of the Exchequer was the first Marquis of Buckingham (1753-1813). In 1796 a parliamentary discussion on the subject of his administration threatened, and the Marquis wrote a lengthy explanation to his brother, Pitt's Foreign Secretary. [2] He thought it best to tell the truth, as "it would be silly to attempt to conceal." In three years his total receipts amounted to £44,988 2s. o¼d. and the total deductions for clerks' salaries, taxes, etc., as given in this statement, to £4,769 18s., leaving as Lord Buckingham's profit for the three years £40,218 4s. o¼d. The work was done by six clerks whose names and salaries are subjoined, and since "the efficient officers are so well paid . . . I shall not appear to have *under done* this part of the question." He suggests that, should his hold on the office be

threatened "the best mode of treating the question is by conceiving it a first step to the attack on private property, stating always that this was a private property granted to Mr. Grenville . . . "

Henry Fox, the first Lord Holland, after being allowed—as Paymasters to the Army and Navy were then and for many years afterwards allowed—to put into his pocket the interest on all the public money he controlled, secured on his enforced retirement a clerkship of the Pells—£2,000 annually—for his own life and the lives of his two sons.

It was all part of the accepted political system, which, like the contemporary already quoted, understood government by the people to mean government not by the "giddy mob" but by the best sort only. In the sacred places where the best sort gathered no secret was made of these deals. Lord Grenville saw the possible difficulties of passing the Act of Union through the Irish House of Commons in 1799, as "almost entirely a question of local expediency as to the best chance of satisfying MM. les intéressés." The Bishop of Dromore—a collector here of other things besides "*Reliques of Ancient Poetry*"—offers to come up from the North to vote for a Pension Bill, provided the Lord Lieutenant would recommend his brother, Mr. Antony Percy, to Pitt for a revenue office. "I closed with him immediately" concludes the Lord Lieutenant's note.[3] Great gentlemen thought of their friends, and their friends' friends, and obligingly exchanged office against office, returning favours in kind. Lord Mulgrave for example, "very handsomely" leaves the Wardrobe Keeper to young Mr. Grenville to dispose of. "On enquiry," writes Grenville, "it appears to be worth at least £100 per annum, besides apartments in Chelsea and coals and candles."[4] There is in the voluminous correspondence of this young statesman—his career was scarcely begun at the time of Lord Mulgrave's very handsome offer—a well-detailed account of an attempt to secure for himself one of the greatest prizes the system had to offer. It is so illuminating that it is perhaps worth while disinterring.

He was the youngest son of that George Grenville during whose unlucky ministry (1763-5) the great quarrel with the American

Colonies had begun. His father's sister had married the greatest man of the day, William Pitt, later Earl of Chatham, and William Wyndham Grenville was thus first cousin to the younger William Pitt, Prime Minister at the time of this correspondence. Grenville's eldest brother, the Marquis of Buckingham, was Lord Lieutenant of Ireland, appointed to that office, for the second time, in the October of 1787. All three of them, Pitt, Grenville and Buckingham were young men, the last only thirty-four, the other two not yet thirty. Grenville, not yet in the Cabinet, occupied one of the minor posts in the Government.

The Marquis of Buckingham had scarcely taken up his appointment before the swarm of office seekers descended on him. Lord Bulkeley asked that the Viceroy's secretary "might send me word of the number and income of the tide-waiters' offices which you can spare me, as I have dependants enough, if they are as highly paid in Ireland as in England."[5] Another friend, the Earl of Mornington—soon to make a great place in history as the Marquess Wellesley—sent with his word of congratulation a whole list of recommendations, amongst them one for a Mr. Mockler who would be satisfied with "anything above £70 a year in a genteel line,"[6] while, in London, applications, "beyond all imagination," pestered the younger Grenville. The Duke of Leinster made over his influence to the Viceroy, stipulating "for the first vacancy of calibre enough for him : to which I accede having no engagement."

Unfortunately for Buckingham's peace of mind the outgoing Chief-Secretary had left a list, and the letters from Dublin are filled with laments thereat. "You have no conception of the innumerable letters from Orde which rise up against me, dated in the last week of December, and stating that he has *mentioned your case to the Marquis of Buckingham and I have no doubt* . . . . I am hourly sacrificing my judgment and my wishes to that accursed list." "Every day brings forward fresh scenes of peculation and dirty frauds" is another cry from the Viceroy's heart wrung this time by the appearance in the Irish House of Commons—and in opposition—of a Colonel Bruen, late Deputy-Quarter-Master-General in America and £400,000 richer thereby.

But through all this disposal of "the jobs and infamy proposed to me," Lord Buckingham did not lose sight of the great aim of his political life—the advancement of his youngest brother. Not for a moment, he assured him, had his brother's interests been out of his mind, and if nothing had been done hitherto—and the new Viceroy had been barely six weeks in Dublin—it was because information as to the great offices, "*the best of which* I was in hope to have put into your hands before this time," was not easy to come by. The office at which he aimed was that of Irish Master of the Rolls "which all the lawyers assure me must not be given as an efficient or even as a resident office." [7]

Careful enquiry produced a confidential letter, detailing the profits, from the Chief Justice of the Common Pleas, who "managed" the office for its then holder. These, after deductions, amounted annually to about £1,300, but the patronage that went with the office was more valuable than the fees. There were six clerks' offices which sold for £3,750, and "upon every exchange, where a new one is appointed in consequence thereof, £800 English is paid." There were, besides, two Examiners, whose places sold for £3,000 each and a Clerk of Recognitions. "This year the Patronage produced £4,550." The Chief Justice estimated that the office would sell for £20,000 cash down.

There were, however, grave difficulties in the way. The Master of the Rolls was, in theory at all events, a judge, in theory because in Ireland he had not a court at the time, nor ever previously, nor did he exercise judicial functions, and the Irish Lord Chancellor and the Lord Chief Justice were, no doubt from the highest motives, both of them strongly opposed to its being made a judicial office as in England. Still it was a judicial office in theory, and, by a statute of 1497, no judicial office could be conferred except during the King's pleasure. In practice the office had been granted for life always since 1533, and the difficulty of the Statute of Henry VII overcome by inserting in the grant a clause forbidding the Master of the Rolls all exercise of judicial functions. It was with this safeguarding clause that the office, in 1761, had been granted for life to Rigby its

present holder—now slowly dying at Bath—though of course "all fees and profits were granted in as full a measure as if he were enabled to exercise his functions."

Buckingham, with all his race's scruple as to selling himself wholly to the devil, thought the patent "clearly illegal," "certainly disgraceful," and "wholly inadvisable at the present moment." He therefore proposed to make it out to his brother to be held, according to the old form, during pleasure. Minute instructions follow. As soon as the form is decided upon by the advice of the Chancellor and Chief Justice, "who do not guess my intention," an undated official letter from the Lord Lieutenant in the usual style for the Treasury asking the appointment, will be sent to Grenville. "As soon as you know for certain Rigby is dead you will date it a week back, and you will give it to Pitt to lay before the King, previously carefully sounded, in the usual way."

A fortnight went by, and the anxious Lord Lieutenant still waited for a reply. He again wrote urging his brother at least to make certain of the King, for "if any difficulty occurs I will put other irons in the fire in order to secure something to you by means of the vacancy." Meanwhile the Lord Chief Justice discovered a better way of evading the law regarding judicial appointments. To appoint *during pleasure* was risky—come another Pharaoh in place of Buckingham and how long would his brother continue to draw fees and sell offices? It would be wise to appoint *during good behaviour*, and plead that the statute of 1497 was repealed by the one of 1782 which gives all judges their offices for life. To provide however for all emergencies, get the King's private approval, "and for God's sake, do not open it to anyone save Pitt, lest it should transpire and be crossed."

The harassed Buckingham had overcome the difficulty from legal technicalities: he now had to face some of another order. Grenville—and Pitt—scrupled at an English minister's holding a sinecure whose income came mainly from the sale of offices. The opposition—at this moment, in all the purity of an opposition's disinterestedness, preparing to impeach Mr. Hastings—

might smell it out. There were cases against the practice. To accept Rigby's office was plainly impossible. Could an exchange be arranged, Grenville's option, so to call it, against an equally good place whose holder could sell the Roll's patronage without fear of inconvenient Parliamentary enquiry? Buckingham took counsel's advice—the Attorney General, the Lord Chief Justice and the Lord Chancellor. They were unanimous. The office of Master of the Rolls differed *toto coelo* in the two kingdoms. Against the cases Grenville quoted, they put "the uniform practice here," and, for the legality of the sales, their minds were soon made up. To call it in question "would carry us much further than we at present imagine in Ireland, where the practice has been, and is, so extensive in other offices, and so uniform. Many grants, many properties would be shaken by this idea being promulgated . . . "

Grenville still feared the consequences if he accepted, and Buckingham turned to the new task of selling his brother's prospects to the best advantage. "The office of Registrar of Deeds was tried, and an old Irish statute, enjoining nine months residence, stares in our face. That of Second Remembrancer is worth only £900 Irish; and all the other patent offices are below £600 Irish. In this dilemma . . . I have determined to listen to the Provost [i.e. of Trinity College] who will give up the seals of Secretary of State. No duty, no responsibility is annexed to the office : no act attaches upon it. I find that in some instances it has been given in England, and always for life: the salary is £1,500 Irish, exclusive of the fees of the Signet Office, which are given to the Clerk who enters the *fiants*. This will remit to you something above £1,000 guineas or £1,137 sterling ; and though it is infinitely short of my affectionate wishes for you, yet I will take credit for my intentions, which certainly carried me much further in my views and wishes . . . "

The Provost, unfortunately, proved inconveniently stiff in his demands, and finding it impracticable "to make any terms with him either useful or honourable," Buckingham engaged in a new negotiation for the reversion of Lord Clanbrassil's life office worth £3,000 a year. It was only a reversion, but that

noble sinecurist was turned sixty and Buckingham promised to do his best to exchange the reversion "for anything which can occur in the interim. These *anythings* would be Lord Earlsfort's, Hawkesbury's, Farnham's, Hutchinson's, Lord Leitrim's or Gardiner's revenue offices (for they are tenable with a seat in England) and the office of Usher of the Exchequer now held by Baron Power."

A fortnight later the offer was accepted, and the reversion secured, to be exchanged in three years for the picturesque English sinecure of Ranger of the Parks. By that time Grenville was Baron Grenville and Pitt's Foreign Secretary, and in a position to fend for himself. Prudently he did his best against possible political adversity, and in 1794 secured an Auditorship of the Exchequer at £4,000 a year. Reluctantly he had to follow Pitt's advice and refuse the salary as long as he was in office, but, some compensation for those seven lean years, he had the satisfaction when Prime Minister himself and First Lord of the Treasury of continuing—Pooh-Bah fashion—to audit his own accounts, "at a salary," by special Act of Parliament passed *ad hoc*.

Lord Grenville died in 1834, nearly fifty years after the anxious months when he so nearly became an Irish judge. His brother Lord Buckingham died in 1813, and a third brother survived them both until 1846. Cobbett calculated from returns made to the House of Commons, that these three brothers in half a century drew nearly £900,000 of public monies.[8] "Never indeed," Lord Rosebery was moved to say, "was family so well provided for during an entire century as the Temple-Grenvilles." They had not come over with the Normans, nor stood with Langton in the meadow at Runnymede. The Reformation, in fact, found them tenants of the Abbey of Osney. The ensuing economic changes—the loot that went on in the last years of Henry VIII and the short reign of his son—were for them a beginning of opportunity. Monastic spoil, lucky marriages with like happy parvenues brought them by 1620 to a baronetcy. In 1714 Sir Richard Temple became Lord Cobham, and shortly after his death—he died childless—his sister was, in 1752, created

in her own right Countess Temple. Her grandson, the second Earl Temple, was the hero of the backstairs intrigue by which George III rid himself of Fox and North in 1783. The new premier was his cousin, and in 1784 Temple became Marquis of Buckingham. He is the noble jobber of the Dropmore Papers. For thirty years he moved heaven and earth to secure the last glory his family pride craved—a Dukedom—but it was not to come until after his death, when his younger brother, Lord Grenville, after years as leader of the Whig opposition, sold the great Temple parliamentary connection to the Tories, and, as part of the price, the Marquis' son was created Duke of Buckingham.

There is nothing especially remarkable in this rapid rise through wealth to power, and by power to yet more wealth. The Temples only differed from the envious contemporaries who stigmatised them so unkindly in the diaries and correspondence that have come down to us, in the degree of their good fortune. And, in office, they certainly worked hard. They were by no means the worst products of the system—rather among its best. Witness in contrast the Mr. Rigby for one of whose offices Lord Buckingham so exerted himself in 1788.

Rigby, a one-time satellite of the Prince of Wales who was George III's father, had found the opportunity of political, and other, fortune at the Lichfield Races of 1752, when he rescued the Duke of Bedford from a mob bent on his murder. Ducal gratitude lent him huge sums of money at nominal interest, and promoted him Chief Secretary when the Duke went to Ireland as Viceroy in 1759. Rigby, never embarrassed by the etiquette of political principle, changed from one faction to the other, with Bedford for his one certain attachment. His private life was no better, and if he won notoriety as "the brazen boatswain" of the Bloomsbury gang, Garrick could unkindly suggest that he lived in the fens " that he might have an excuse for using brandy as the rest of the world used small beer," and the one virtue recorded of him is that he "drank fair." Nevertheless he was named Master of the Rolls for Ireland in 1759, Vice-Treasurer of Ireland (£3,500 a year) in 1765, and Pay-

master of the Forces, the height of his ambition, in 1768, and lived on to leave "half a million of public money" at his death.

The system lingered yet for many years more. Mr. Rigby had been dead fifty years, the Catholics emancipated, the Reform Bill passed when another Paymaster—Mr. Thomas Babington Macaulay—cheerfully announced to his sister his new appointment, "£2,000 a year for the pleasure of signing my name."

"If I were in your place," wrote Garrick to Berenger, "I would in a plain, manly (with a dash of the pathetic) manner tell him [Lord Chatham] my situation and intreat his assistance. It is the most astonishing thing, that you should be a friend and relation of all the great men of great interest, and that you should not have a rasher of the gammon. Now is the time to save your bacon; you must be free and open with his Magnificence."[9] With such a gammon how could it be but there would be many looking for rashers? "The political arena . . . was the scene of confused scrambles between greedy factions," says a modern commentator. Could it possibly have been otherwise?

### (*iii*) *The Church of England*

William III and the nobles of 1688 had ostensibly a double end in view. The defence of the liberties of England was only one of the causes that justified the parliamentary supremacy. The other justification was the protection of the national religion. The success of the Aristocracy in 1688 established it as supreme in the nation's political life, and because of the political origin of the national church, supreme equally in things religious. The Church of England in 1688 was at the height of its power and popularity. The first century of its foundation had been a struggle for survival against the rapacity of its creators, and the religious indifference of the people. A revival had marked the early years of the seventeenth century, and the reaction against the Commonwealth persecution made the Church in the last half of that period, the object, for the first time, of a great popular loyalty.

This new enthusiasm for the Establishment grew stronger with the reaction against Whiggery that marked the last years of Charles II's reign. His successor had profited by it, and then, conveying by his clumsy attempts to remove the disabilities that penalised his own faith, an impression of a well laid design to ruin the Established Church, he succeeded within two years in raising that popular enthusiasm to something like a national fervour. The seven Bishops went to the Tower through crowds that looked on them as on Confessors soon to be Martyrs, and it was their trial—not of course in any way a religious matter—that gave the Revolutionaries their long awaited chance. James, presented as the Popish persecutor of the Establishment, caused such a fury of popular anti-Stuart feeling as made infinitely more easy the task of those who planned to be rid of him and to usurp his place ; and in such a presentation the King's own folly and perversity were among the chief agents.

Popular devotion to the national Church was never perhaps so high as in those years when it appeared to the people that a Catholic King was planning its destruction, and this devotion gave to the Revolutionary settlement whatever it had of national consent. The safety of the National Church and the supremacy of the Parliament were henceforth bound together, the new parliamentary monarchy in its essential Protestantism the national religion's best security. And yet it may well be questioned whether even the reputed designs of James II could have degraded that religion more effectively, or could more successfully have destroyed its power for good in the national life, than it was degraded and its moral force destroyed by the Aristocracy who had climbed to popular rule in its name.

Seventy years ago Mark Pattison in a celebrated essay declared that "since the Lollards there had never been a time when the ministers of religion were held in such contempt as in the Hanoverian period" ;[1] and another Anglican historian bears witness to the century as "an age of moral and spiritual poverty such as hardly finds a parallel in our history."[2] The description of the moral failings of another age is perhaps easier, and even more congenial, than we usually admit, and even in describing the

religious conditions of the Church of England in the eighteenth century, it is possible to exaggerate. A Church that could produce in its very worst period a great bishop such as Edmund Gibson, could number among its bishops scholars such as Butler and Horsley, and could revive as the Church of England did revive in the Evangelical Movement, cannot at any time have been entirely deficient in spiritual life. But the flame burnt very low; and for generations the black pages in its history are painfully frequent, the black sheep among its clergy numerous well beyond ordinary measure;[3] and one great source of the trouble was Aristocratic Control.

It was Aristocratic Control that "handcuffed and gagged" the Church when in the height of a great controversy it suspended Convocation, and maintained the suspension for a century and a half. It was Aristocratic Control that filled the high places of the Establishment with its younger sons, "booby sons" a statesman of the time badgered by place-seeking parents complains. It was the well-paid children of aristocracy in those high posts who stifled the hopes of reform, and maintained the incredible régime that was little more than abuse systematically organised.

The bishops, "flattering dependants"[4] or unlearned younger sons of noble families, were only too often appointed for political as much as for personal reasons, for bishops were peers of Parliament, and at a time when the House of Lords rarely numbered more than a couple of hundred members, appointments to any of the twenty-six sees were as important as new peerages. Thus the numerous changes in the reign of William III—fifteen new appointments in three years—did much to alter the balance of parties in the House of Lords while they revolutionised the mentality of the episcopal bench. All the new appointees were of a political and religious complexion favourable to the Revolution, moderately Whig and mildly Latitudinarian. So it went on all through the next century and a half, and Johnson—in church matters least of all a Radical—could complain very justly that "no man can now be made a bishop for his learning and piety; his only chance is his being connected with someone who has parliamentary interest."[5]

Sees were in income of widely differing value, and the bishop loyal to his political patrons, steady in attendance at debates, and to be relied on in critical divisions, might hope steadily to climb the ladder of promotion, if only his party remained in power. Translations were a great incentive to political loyalty. So, for example, Hoadly went in 1721 from Bangor to Hereford, in 1723 from Hereford to Salisbury, and eleven years later from Salisbury to Winchester, which last opulent see he ruled for seven and twenty years. So Watson, a Whig appointment of 1784, did *not* go from Llandaff though for thirty years he did all but sell his political soul to achieve it. Out of two hundred and twenty-four appointments between 1702 and 1783 eighty-nine were translations.

To eke out the scanty income of a poor see there was the happy resource of combining it with one or more other benefices, and the pluralist was no rarity. One Bishop of Llandaff was at the same time Dean and Canon of Hereford, Canon of Christ Church and Hebrew professor at Oxford, and Rector of Marsh Gibbon in Buckinghamshire.[6] The Bishopric of Rochester and the Deanery of Westminster went together for nearly a hundred years. Even Butler when Bishop of Bristol held the Deanery of St. Paul's and a valuable canonry too. Newton, appointed to succeed him at Bristol, laments having to give up "a prebend at Westminster, the precentorship of York, a lectureship at St. George's Hanover Square" and "the genteel office of sub-almoner." A new grant of the Deanery of St. Paul's was no doubt some consolation.[7]

The autobiography of Watson, Bishop of Llandaff (1782-1816), tells its tale with a like eloquent simplicity. He was elected professor of chemistry at Cambridge at a time when "I knew nothing at all of chemistry, had never read a line on the subject, nor seen a single experiment in it." The University ("it was always kind to me") elected him seven years later to the chair of Divinity, to the study of which "I immediately applied myself . . . with great eagerness."[8] He retained his professorship when elected to Llandaff in 1782—a poor enough see whose income he supplemented with "the tithes of two churches in Shropshire, two

in Leicestershire, two in my diocese, three in Huntingdonshire."[9] On all of these he had resident curates, and besides, as Archdeacon of Ely, he had five more appropriations in the Isle of Ely.

The evil of pluralism has non-residence for its twin. The Bishop of Llandaff, whose engaging candour is so instructive, lived for twenty years "in the beautiful district on the banks of Windermere" since he had no place of residence in his diocese. There, turned farmer, he passed his days "as an improver of land and planter of trees."[10] Hoadly was Bishop of Bangor six years without apparently once setting foot in his diocese. A complaint was made by the town of Sunderland in 1727 that the Bishop of Durham had not been resident since the death of Queen Anne (1714), "so they could neither secure the consecration of a new church, nor any other episcopal office." Their grievance was the more serious in that the Archdeacon of Durham was the Dean of Bristol, and the Chancellor of the diocese lived at Trinity Hall, Cambridge![11]

Nor did the evil end with the absentee bishops. We hear of rectors absent for years, of parishes left without rector or curate for as long as twelve years together.[12] In only too many cases the clergy never saw their people except on Sunday. They read the service, their horses saddled and bridled at the church door to carry them at a gallop to the next of the parishes that went to give them their living. The vast majority of the clergy were poor, the country curates and incumbents hardly ranking above small farmers, with little hope of ever rising beyond their miserable stipend of thirty or forty pounds a year.[13] "In London the inferior clergy were objects of extreme wretchedness. They lived in garrets and appeared in the streets with tattered cassocks. The common fee for a sermon was a shilling and a dinner, for reading prayers two pence and a cup of coffee."[14] So a contemporary in the reign of George I.

That the public offices of the Church ceased to be performed, and when performed ceased to attract a congregation, is no matter for surprise. Home christenings became the fashion, the baptismal font became the first and most obvious sign of the Church's

decay—it was even removed altogether from Westminster Abbey[15]—and Baptism came to be commonly regarded as little but an idle ceremony. For twelve years together the rite of Confirmation was neglected at York under Archbishop Blackburne, though his more zealous successor made amends somewhat by confirming 30,000 in the first year after his appointment.[16] As to the Holy Communion it came to be administered more and more rarely, once a month, then once a quarter and to fewer and fewer participants. A Bishop of Oxford half way through the century can do no more than hint hopefully to his clergy that it might be possible to interpose a service in the long interval between Whitsuntide and Christmas.[17] Even Wickham Legge—whose researches have done so much to correct the easy exaggerations of earlier writers—acknowledges that "throughout the period the laity received Communion with a melancholy infrequency."[18] Bishop Tomline could complain of there being only six communicants on one of the greatest days in the year—Easter Sunday.[19]

The old practice of daily public prayer steadily declined, even the enjoined Wednesday and Friday services, and we have so eminent a witness as Bishop Butler to the general neglect of saints' days and holy days.[20] Attendance at any service grew smaller and smaller, and the decline is the constant theme of Bishops' charges. One writer in 1801 can lament with truth that "in the heart of the City of London in its noblest edifices, on the Lord's day repeated instances have been known that a single individual hath not attended the divine service."[21] The very fabric of the churches fell unhindered into decay, and the picture left to us by the charges of a bishop like Secker[22]—of the building with its floors meanly paved, the dirty walls and ill-glazed windows, earth heaped up against the outside walls, weed and shrubs growing everywhere, water rotting and undermining the foundations—is no bad picture of the institution itself. Fifty years after Bishop Secker's charges, Hannah More's zeal can note thirteen adjoining parishes without so much as a resident curate.[23]

Much as high ecclesiastics may be given to a mechanical

lamenting of present evils when they think of the golden age that was, we can, as we review the evidence, credit as literally true the declaration of the Archbishop of Canterbury in 1753 that "irreligion and immorality have grown almost beyond ecclesiastical power."[24] To what extent all religious feeling had disappeared from the very highest circles of aristocratic life, the scenes round the death bed of George II's queen are amazing proof. Caroline of Anspach lay dying, and as she had not asked for religious assistance, gossip was unpleasantly busy. The Prime Minister—Walpole—did his best to persuade her daughter, the Princess Emily, to send for Archbishop Potter. As she demurred he insisted. "Pray madam," said he, "let this farce be played: the Archbishop will act it very well. You may bid him be as short as you will. It will do the Queen no hurt, no more than any good; and it will satisfy all the good and wise fools, who will call us all atheists, if we don't pretend to be as great fools as they are."[25]

A score of similar occurrences could easily be called to mind by anyone who has even a running knowlcdge of the innumerable letters and memoirs of this sad century.

A revival of religion there was indeed to be, a revival that hoped to make religion a force transforming the nation's social and political life; but the story of this very revival is the most damning indictment of the Church as the aristocrats governed it. Its great spiritual leader came in Wesley, and for Wesley and his work of regeneration and reform the Church of England had no place. The mission of John Wesley, though by reaction it bred a better state of things in Anglicanism, had its most permanent result in the founding of a separate sect.

### (*iv*) *The Crown*

The Constitution of the Houses of Parliament had been in no way changed by the events of 1688. If in the century that followed they became more and more perfect as an instrument for registering in law the will of the class that had made the Revolution, the instrument was not the creation of that class nor had it,

at their hands, undergone any radical change of constitution. With another institution of the State, however, it was quite otherwise. When in the fog of that dull December day, amid the silent dismay of the watching crowd, James II, the prisoner of foreign mercenaries, left London for ever, something very old and very venerable departed with him—the ancient monarchy of the English people. The King had gone, and with him went the kingship. The event of that morning effected what the headsman's axe had effected forty years earlier.

To James as to his father there was no immediate successor as of right. For the second time in English history—and the first occasion was within the memory of every man of the King's age—the centuries-old line of kings failed abruptly of its power. There was no king, no one exercising as of right the power whose exercise in James had ceased. The State lacked an executive. To provide one was the first and immediate concern of the successful rebels. They might, had they so chosen, have followed the precedent of 1649, but they preferred to set in place of the ancient kingship a new royalty of their own fashioning. They invented a new office, carefully defined the limits of its authority and, by a legal fiction, based the whole on the vote of a parliamentary majority. This new parliamentary kingship they offered to the Dutch prince whose ambition had been their best ally. He accepted it, confirming with the authority of his newly-invented royalty that royalty's own legality; and, the Revolution thus accomplished, a new era began in the political history of the English. For the Revolution had not merely substituted one line of kings for another, it had abolished an ancient kingship as effectively as it had been abolished in 1649, or as the French kingship was to be abolished in 1792. In its place it had set something new. Wherein did this new thing differ from the old?

The King's title, first of all, was "now a statutory title if . . . a title at all." It had for foundation the declaration of the Convention that the throne being now vacant, by what the Convention found convenient to call the King's abdication, "the said Lords Spirituall and Temporall, and Commons assembled . . . doe Resolve that William and Mary Prince and Princess of

Orange be, and be declared, King and Queen." This declaration made on the 13th February, 1689, was given force of law when, as "An Act declaring the Rights and Liberties of the Subject and settling the Succession of the Crown," it was passed by the same Convention, now, by the Royalty it had created, authorised to act as a Parliament.

But the Bill of Rights did not merely aim at clothing with a decent appearance of legality the *fait accompli* of the new King's possession. It carefully defined for him and for his successors, how the monarchy it made over to him differed from the old. James II had filled the short three years of his reign with manifestations of executive power that were displeasing in the extreme to the party that, in the event, had driven him out. All these they now carefully listed, and, declaring them to be contrary to the country's ancient liberties, by the same act that authorised William's possession of the throne, enacted their declaration in law as usurpations. The Executive henceforth is subject to the Parliament. The law once made binds the Crown no less than the subject. All royal claims to suspend the execution of laws and to dispense from their observance are also noted as usurpations, the legality of such dispensations and suspensions denied, and the dispensations and suspensions declared null and void.

Since 1641 the King had been bound by Statute to summon Parliament at least triennially. A new parliamentary convention by which supplies and an army were voted only for a year, where the practice had been to grant for the King's life or for a term of years, ensured from the very outset of the new régime the precedent of an annual meeting of Parliament. The head of the State was become the Parliament's executive officer. As such his powers might be wide, a diplomatic prince might, and could, and in the event very often did find scope within his limits for the exercise of much administrative talent: but, from the beginning, the new kings depend on the Parliament. On its consent annually given they depend absolutely for the money that, in the modern state, is the life of their power, and outside the limits determined by the Parliament, authority—for all practical purposes—the King has none. Extra-parliamentary

power is denied to him in law, and no attempt is ever again made to regain it.

The revolutionary aristocracy moreover regulate the future succession to the Crown. To William shall succeed first of all his wife's descendants, then her sister the Princess Anne and her descendants, and failing these William's own descendants. Twelve years later when Mary is dead, childless, and Anne's last surviving child is dead too, and William a childless widower, the Parliament once more decides the succession—that the Crown is to go to a distant younger branch of the same family, the Electress of Hanover and her descendants. James and all his descendants are excluded.

Finally, the aristocracy by the same fundamental law forbids the Sovereign to be reconciled to, or hold communion with the See or Church of Rome, to profess its Popish religion or to marry a Papist. Breach of this law automatically absolves the nation from its allegiance to the transgressor, and the Crown and Government pass immediately to the next Protestant heir as though the offender were naturally dead. Moreover any person so marrying, or who becomes a Catholic, or already professes the Catholic faith is ruled out from the succession.

If the King wishes actively to share in the government he can only do it within the same limits as the rest of his subjects—the limits allowed him by Statute law. There remained open to him, beyond the official rights thus attached to his office, the same means of influencing the Parliament, now supreme, that lay open to the aristocrats who had made him. Like them he could use all the elaborate machinery of electioneering and patronage, could bribe with places and titles, could use the prestige of his friendship to cajole or to threaten. He was the chief of the aristocracy, one of its wealthiest members, and as such could still play an important part in political life. Of the new kings, two notably distinguished themselves by such political activity.[1]

The first—William the Third—had been under the necessity of practising the political arts since his boyhood. To what unpleasant pre-eminence in the craft that necessity had brought

him, the history of the ten years' intrigues that preceded the realisation of his ambition remains a witness. He knew—none better, since he had been in league with them even while they served his predecessor—the nature of the men who had helped him to the throne. He thoroughly understood what chances the new system gave him, and through the thirteen years he reigned he acted according to his knowledge. "At no time before or since" says one of his latest historians "has corruption been carried on with greater thoroughness than it was under William III." Not so much that he interfered in elections! That had been one of the complaints against the now exiled James II—whence a clause in the Bill of Rights protesting that elections should be free. William preferred to corrupt the members once elected.[3] In one General Election, however, he certainly interfered, and extensively, and with great advantage to himself. It was the general election of 1695, and to influence the choice of members, William, while the elections were in progress, made a tour through eight doubtful counties in the South Midlands. The elections resulted in the return of a majority pledged to prosecute the war with France.[4]

The other royal politician was George III. Under his grandfather and great-grandfather the aristocracy had enjoyed nearly fifty years of untroubled supremacy. With the coming of these Hanoverian kings in 1714, docile foreigners, ignorant of English ways, ignorant even—George I at least—of the very language, interested in England chiefly for the personal advantages thereby assured to themselves and their German electorate, the revolutionary families really entered into their own. For the next forty-six years they ruled unhindered, and the main incidents in the country's domestic politics are those that arose from their own family feuds and quarrels. The King was in the hands, now of Walpole, now of Pelham, but never in all that time in Engish affairs did he act independently.

With the accession of the youthful George III a new development began. The new King's education had been the charge of his mother, the widowed Princess of Wales. Under her care he had passed from boyhood to manhood in the court at Leicester

House where gathered all those whom orthodox Whiggery, reigning with the King at St. James', left disappointed. Of these malcontents his father, and after his death the Princess, was the nominal leader and the lad was bred to be the instrument of their revenge. The oligarchy was to be broken and a patriot King to free his people. Filled with the new spirit, determined as his mother had daily bidden him "to be the King," George III, at twenty-two, immediately gave battle when he named his mother's chamberlain Lord Bute as the depository of his confidence.

The fight that began only closed with the King's final lapse into insanity fifty years later. The reign was a series of alternations between government by aristocrats of the Revolution tradition whom George disliked, intrigued against and invariably broke, and by other aristocrats ruling according to his wishes and with his support. So in the first ten years a series of battles in which Pitt, Newcastle, Rockingham, and Grenville are worsted in turn: then the twelve disastrous years of Lord North and the "King's Friends," with the great executive officers of state highly paid confidential clerks, working under the direction of the King, rather than responsible ministers."[5] In the event the nation escaped catastrophe by the nearness of inches, and the King's ministers, after years of endeavour and royal protests against "desertion," were allowed to resign. An exciting twelve months of intrigue followed, in which the King successfully defeated the oligarchy's repeated attempts to regain control.

The events of December 1783 were the end of the struggle, and in the twenty-eight years of sanity that remained to George III, the ministers, save for a short fourteen months, were the ministers of the King's choice. Pitt, in 1783, was the King's nominee, and the King's support the main element of his strength, until with the entry of England into the struggle against the French Revolution the mere faction-fighting opposition for a time disappeared. Pitt, in 1801, was unable to carry through a policy which George opposed, and Pitt resigned. Addington, who succeeded him, was the King's man, and when, three years later Pitt displaced Addington, submission to the King on the policy in dispute was the condition of his return to power.

Between 1770, when George III won his first victory, and 1810 when, finally insane, he ceased to rule, no ministry survived against his will, nor any for long that did not fully possess his confidence. But in all this political activity the King makes no attempt to restore the system condemned and abolished in 1688, nor is there any evidence to show that he aimed at such a restoration. Parliament throughout the reign, as in the seventy years between the Revolution and the King's accession, is in continuous session. The King depends on its annual vote for his revenue and army. Statute Law is sacred in the universality of its obligation, and George III never attempts to play fast and loose with it by particular dispensations or temporary extra-legal suspensions. He achieves his end through a careful and systematic use of the same means that the other wealthy aristocrats employed, whether to oust a rival faction, or to consolidate power once gained. Parliament, parliamentary intrigue, was the instrument of the new royal power as it had been, and was of course again to be, of the power of the country's wealthy men. "To the House of Commons [George III] gave closer and more continuous personal attention than any sovereign who preceded him, and concerned himself more than any except James II in the actual business of electioneering."[6] It was as one of the aristocracy, one of the wealthiest of the aristocracy, and because of his office the aristocrat with the maximum of prestige and social power, that George III routed the aristocratic factions he found in possession. He did not oust the landed aristocracy from its exclusive hold on the national life, but as the chief of the aristocracy took and used the settlement aristocracy itself had made, used it to secure the success of the policies of his choice.

Nor did he shrink from the inevitably high expense all this involved. He economised rigorously to build up an election fund. He bribed, he bought votes, he paid or part-paid the expenses of the candidates he favoured. For the election of 1774 he spent £50,000. In preparation for that of 1780 he laid money by at the rate of £1,000 a month, the fights of the three years 1779, 1780 and 1781 costing him in all £72,000.[7] In the years

that followed the crisis of 1783, thanks to the genius of the minister he chose, and, once the war with France began—a war, it must be remembered, in its early years a war of the governing class rather than the nation—thanks to the suspension of faction-fighting, the King was never again so hard pressed. Forced to take a ministry with whose policy he had no sympathy, he reverted to his former practice, and it was with substantial help from the royal savings that Portland and Perceval in 1807 went into the borough market to outbid—and so defeat—the King's late ministers.[8] Nor did his activity end with financial assistance. On one occasion at least he personally canvassed Windsor against the candidate he opposed. "I made it my business," he writes in 1780 "privately to sound the inhabitants of the borough . . . Admiral Keppel can be thrown out without any difficulty."[9] The details, even, have been preserved to rejoice our simpler age. The King wandering into the shops of the little town, and in his abrupt jerky way menacing and cajoling the tradesfolk: "The Queen wants a new gown . . . No Keppel, No Keppel!"

It is curious testimony to the nature and fullness of the change in 1688 that the only one of the new monarchs who successfully defied the Revolutionary families had no choice but to fight them with the weapons they themselves had forged; and that even in his victory he could only rule as the chief of an aristocratic connexion.

## Chapter III

# THE ASCENDANCY AND THE NATION

### (*i*) *The Ascendancy*

It is not at all difficult to recall, and to recall in all its vivid detail of life, this century of aristocratic rule. The popular art of Hogarth, the beauties of Reynolds and Gainsborough, the unconscious revelation of Gilray and Rowlandson set the pageant of the age for us more vividly and more completely than is our fortune for any previous English century. The earliest of the novelists, and among them the greatest, again, through another medium, no less faithfully lay bare to our rapt attention the time's whole social life. Diarists like Lord Hervey, the gossip of Horace Walpole, informed and never ending, the minute observation of Boswell, confirm the witness of the century's imaginative talent, and the great mass of contemporary letters and memoirs that the last sixty years has brought to light, make it an easy task for even the casual reader to live with this time in all its ways and moods.

Nowhere is this easier than in the study of the habits of the small and powerful aristocracy that ruled and shaped that time. This aristocracy was immensely wealthy, and nowhere was its wealth more evident than in the country seats that were the centre of that local importance on which, as a foundation, its national importance was built. These great country palaces, Blenheim and Bowood, Brocket, Panshanger and Stowe, Dropmore, Malton and a hundred others, were in the magnificence of their appointment and the life of which they were the setting, the everlasting wonder of the distinguished foreigners who came to see them. In all the many accounts of these noble travellers that have come down to us, the same theme appears with all

possible variations, and in the invariable key of astonished admiration. When the first Marquis of Lansdowne died in 1805, the *Annual Register* credited him with entailed estates in Ireland worth £35,000 a year, and as leaving, besides £10,000 a year to his son Lord Henry Petty, nearly £100,000 in specie. Two other contemporary noblemen could afford in 1807 to dispute the Yorkshire election at a cost of over £200,000.

Family connexions, the intricate relations that arose from generations of intermarriage within a small circle, grouped the aristocracy into a few great clans, and it is in the quarrels and alliances and personal relations of the chiefs of these clans that the key is to be found to the kaleidoscopic changes of Government and policy during this time. One Whig premier placed in his Cabinet one of his sons and a son-in-law, while a brother-in-law and a cousin held posts of lesser rank. Lord John Russell in 1846 named one cousin to the War Office and another to the Home Office. The Colonial Secretary was the husband of one of his daughters and the Chancellor of the Exchequer of another, while his father-in-law was Lord Privy Seal. Johnson defining the Whigs as "a clique, a connexion, a caste" was untrue to fact if he meant it, as no doubt he did, as true of Whigs exclusively. Whig and Tory, except as designating different clans of the one great aristocratic family, ceased to have a meaning. "The names Whig and Tory are quite misleading in the party conflict of the period. The key to them is the relationship of groups . . . and the story can hardly be understood without reference to the genealogical trees of the peerages."

It was the families of the nobility and gentry who supplied the King with officers for the Army and Navy, with judges for his courts and secured the chief places in the State Church, for "the distinction between those who were and those who were not gentlemen was a clear one; the professions a gentleman might follow were limited by the Church, the Army and Navy, and the Bar." There were, of course, exceptions—distinguished exceptions—but the spirit of exclusion was so strong that to the end of his life Burke, the greatest politician of his generation, never really became one with the nobles to whose service he gave up his

genius. Windham—Burke's professed disciple—only expressed the inherited convention on the matter in his savage comment on the peerage granted to Addington on his retiring from the Premiership in 1805: "the son of Lord Chatham's family physician will submit to take the blue riband and a peerage. I give him this description . . . as a further proof of what the peerage has become of late years and under Mr. Pitt's guidance."[1] Prejudice was equally strong against Peel in 1835, and so late as 1867 Russell, inviting Bright to dinner, could astonish and scandalise London society.

The aristocrats were essentially "men of the soil," never so happy as when left to the undisturbed enjoyment of the country life where their importance had its roots. Walpole hurrying from the House of Commons to his beagles at Richmond, Lord Grenville a century later laying out his new estate at Dropmore, men differing in character, tastes and habits of life as much as it is possible for men to differ, show in this common love of country life one of the most notable characteristics of their class and time. In one thing alone do the aristocrats show to great advantage, as leaders, pioneers of social progress,—in the part they played in the beginnings of a more scientific agriculture.

Townsend at Raynham scientifically improves his crops, and Coke—Lord Leicester—at Holkham revolutionises the breeding of sheep; but the thinkers, the reformers, the builders of the coming age are all of them from outside the circle of nobility. The day was long gone by when the court could truly have been described as an academy. The nobility was not well educated. A certain classical formation at Eton, the dissipation of the Oxford which Gibbon has described for us in his autobiography, a Grand Tour which was often nothing more than an introduction, more or less polite, to new debaucheries—these did little to improve the aristocrat beyond what he was in Burnet's day, "the worst instructed and least knowing of any of their rank that he ever went amongst."[2] The oratory of the day, the fruit of classical scholarship, as it showed itself in the great speakers of the time, was of course the gift of the minority, contemporary

evidence to the superiority of mind that not even the most material of centuries altogether lacks.

But by no means all politicians were cast in the superior mould, and the red-faced fox-hunters who sat behind the oratory had as little use for the glories of Burke's political thought as they had patience for the harsh monotony of his speech. As testimony to the disastrous effects on statesmanship of this scorn for thought, we need only quote Dr. Rose writing the life of Pitt : "The course of this narrative will show that the brains of Englishmen were far from equal to the task of facing the problems of the age then dawning . . "[3]

As the new age dawned, aristocratic indifference to thought developed into bitter positive hostility, and the thinkers were chiefly to be found in the ranks of reformers and rebels.

A class that turns from thought cannot but gradually draw nearer to the beast, and it is hardly overstating the case to say that never in English history was aristocratic life so callously and unashamedly brutal, as in this heyday of aristocratic rule. Coarse obscenities meet us at every turn in the pages of even the best writers of the time—wanton crudity that has not a pretence of humour or wit to explain or excuse its presence. And the literature—like the contemporary realism of Hogarth—is a faithful reflection of the time. The coarseness and wanton obscenity incidental to the novels and the light verse of the time is to be found, not a whit more abashed, in its diaries, memoirs and private correspondence. Few of these in fact—and not always are their authors men—lack passages that no modern editor is hardy enough to print in full.

Drunkenness was universal, "a cherished habit rather than a vice":[4] of the Prime Ministers, for example, Walpole was habitually drunk, so too Carteret, night after night, and heavily drunk. We can picture it all so vividly from the private correspondence. Thus a letter from Lord Buckingham when Lord Lieutenant of Ireland: "You will laugh," he writes to his brother, "to hear that we were forced to adjourn on Saturday night, having only gone through half the Bill, because all the Crown servants (many of whom had spoken early in favour of

the Bill) had got drunk at the coffee house, and at midnight were loud in every part of the House abusing it."[5] Lord Wellesley supplies another instance to Pitt in 1793: "I suppose you have heard of the [Prince of Wales] dinner on the capture of Valenciennes. We sat from five till half-past ten; many were drunk, particularly H.R.H. . . . He really did the honours admirably."[6] It was to H.R.H.—the future George IV—that Erskine on one famous occasion owed the courage to attack Pitt. In Pitt's presence Erskine often lost his nerve, trembling like a schoolboy ordered a flogging. Speaking in 1788 at the Bar of the House for the East India Company, he made a most absurd speech of three hours. He retired to dine with the Prince, and well primed with brandy by H.R.H., returned with sufficient drunken courage to renew the attack for another two hours.

But greater men than Erskine were not ashamed to speak in their cups. Two days after Erskine's attack, Pitt had to reply, and showed a most amazing torpor. Lord Bulkeley gives the reason in a letter to Lord Buckingham: "in consequence of having got drunk the night before at your house in Pall Mall, with Mr. Dundas and the *Duchess of Gordon*. They must," the writer continues, "have had a bout of it, for even Dundas, who is well used to the bottle, was affected by it, and spoke remarkably ill."[7] "The Duchesses of Ancaster have not been less singular. The last one was never sober. The present Duchess-Dowager was the natural daughter of Panter, a disreputable horse-jockey of Newmarket, and the new Duchess was some lady's woman or young lady's governess."[8] Sex-morality, of course, went the way of temperance, and once more, with an accompaniment of crude obscenity whose universality sets the age apart. Debauchery, loose-living were for the fine gentleman (and for the fine lady very often) in the ordinary round of every day. Smollett and Fielding might be thought to caricature, had we not the ample testimony of a hundred other contemporaries and the evidence once more of the day's private correspondence.

The court of George I presented the novel spectacle of three generations of the royal family living openly with other men's wives—the old King, his son the Prince of Wales, and the Prince's

son the youthful Prince Frederick. The Prince of Wales's amours were a scandal at which his wife connived, and in whose directing she cynically took a hand, managing his mistresses for him as she managed the rest of his life. His revolting letters to her from Hanover complaining of his misfortunes and detailing his conquests are only surpassed by her own amazing conversation with the Prime Minister on the same subject. She found it only natural, she told Walpole, that the King should love more and younger women, and she was very willing he should have the best of them.[9] The scene at her deathbed is too well known to need describing anew.

Peers openly acknowledged their natural children, sometimes had them brought up with those born from their marriage, and married them to other peers as they themselves had married noble bastards.

Marriage was merely a convention, and even as a convention curiously loose. Lord Holland married Lady Webster only when Sir Godfrey Webster had been bribed with her fortune to divorce her, and Lord Holland's eldest child was born while the first marriage yet endured. Yet for thirty years Lady Holland was a leader of Whig Society! Public men lived openly with their acknowledged mistresses for years, so Fox, so Lord Egremont. Sometimes at the end they married them as, once again, Fox, and after forty-three years of sinful fidelity, Lord Carteret in 1810.

In all these fashionable variations on an ancient theme the Royal Princes led the way. The Court, from the accession of George III, was at least officially clean, but his children as they grew up speedily restored to the Royal House its primacy in debauchery. The Prince of Wales and Duke of York drank and gambled sufficiently to cause even their contemporaries an unusual astonishment, winning and losing two and three thousand pounds a night. The Prince was a finished rake long before he was thirty, and his latest panegyrist has found the succession of women he made unhappy the most convenient schema around which to write his life. Another of the Princes lived for years with—and on—one of the celebrated actresses of the day, and a

succession of receipts for her wages signed by her royal lover bears testimony in the paybook of a London theatre to the many years of his fidelity.

Profligacy was the rule, the habit, the daily recreation of the fine gentleman, profligacy polite and accomplished, profligacy, more generally, dull and boorish. That the age ever existed when "vice itself lost half its evil, by losing all its grossness" is at least open to question. Certainly that age was not the century of aristocratic supremacy.

### (*ii*) *The Catholics*

"Vae Victis"—so a writer recently summed up, and as truly as concisely, the lot of the Catholics in the century that followed the Revolution. It was for them the last battle in a long war, and they had lost. From its very beginnings the political revolution had gone hand in hand with the religious revolution. None had been more zealous against the country's old religion than the leaders of the parliamentary party, whether in opposition under James I, or in rebellion against his son, whether conspiring unsuccessfully in the last year of Charles II, or successfully in 1688. They came, all these men, of families that had gained enormously in wealth and political importance by the sixteenth century change of religion; many of them indeed owed all to it.

On the other hand it had been the misfortune of those who remained loyal to the ancient faith that, only too commonly, they had built all their hopes of recovery on the succession of a Catholic king. If their dreams seemed very near realisation when Charles I and Charles II, marrying Catholics, began to connive at a relaxation of the anti-Catholic laws, and when, once more, semi-official relations were resumed with the Holy See, to the Protestant mind the change only confirmed the traditional suspicion of Catholics as plotters. Seventeenth century Catholicism, hoping great things from a politico-religious understanding between Rome and the Stuart kings, built on the poorest of foundations, and inevitably the ruin of the Stuarts meant the ruin of the Catholic Church in England.

Loyalty to the faith and loyalty to the monarchy, with all but the tiniest minority of the Catholics, went together all through the civil disorders of the century. And equally the Opposition throughout the century identified the Catholics with all those acts of the monarchy in which it found a justification of rebellion, and the Revolution of 1688 was not an affair purely political. It had its religious side, ostensibly the protection of the Reformed Religion, more truly the final defeat in England of the Catholic Church, and in this the Revolution was but the last logical conclusion towards which the activity of the Reformers had tended since the first exposition of their ideas in 1559. It was the end of the ancient monarchy, and as far as the State's power could make it so, it was to be the end of the ancient religion too. Naturally enough, for the Catholics, the immediate result of the aristocratic victory in 1688, because of its anti-Catholic sense, was a revival of persecution and repression; and in this last stage of a development now in progress for a century and a half, William of Orange and the early Hanoverians are heirs and continuators of Elizabeth and Cecil. Agents of the new aristocracy they carry through, by virtue of the contract that gave them the throne, the last logical details of the religious change determined in the hour of that aristocracy's creation, the change with whose success that aristocracy's fortunes were from the first bound up. From the first beginnings of that change the proscription of the old religion was a political necessity if the new system was to have even a chance of survival, and this its shrewd promoters realised and prepared for in their earliest plans. Mary the Catholic was not a month dead before Cecil had ready for his new mistress his *Device for the Alteration of Religion*, and among its details the obviously necessary repression of Catholicism. In the course of the next five and thirty years, gradually, as occasion offered, the plan took shape in a code of new and ingenious penal laws.

The fundamental law of the Code was the Act of 1559 *restoring to the Crown the ancient Jurisdiction over the State Ecclesiastical and Spiritual, and abolishing all foreign power repugnant to the same.* It annulled the Catholic Restoration of Mary's reign, and

restored to the Crown the spiritual jurisdiction created by Henry VIII and Edward VI. To this newly devised supremacy of the Crown in matters spiritual, all ecclesiastics and temporal officers, all who received orders or took degrees in a University were to swear. Offenders were on a first offence to lose their benefice or office, on a second offence they were liable to the penalties of Praemunire—loss of all goods and life imprisonment —while a third offence was construed as treason. The same week that saw this revolution in Church government saw a like revolution achieved in worship and belief. By an Act for the Uniformity of Common Prayer and Service in the Church, the ancient worship—the Mass—was forbidden, and a new service introduced in its place, the bishops in Parliament and the clergy in Convocation protesting with spirited unanimity. Once more obedience was sought by the threat of severe penalties —loss of a year's revenue and imprisonment for ecclesiastics who refused to perform the new service, deprivation and a year's imprisonment for a second offence, and for a third offence imprisonment for life. Critics of the new worship too, were liable to heavy fines, and on a third conviction to life imprisonment. But the Act went further and by a provision unprecedentedly novel in the intimacy of its concern for the spiritual, reached to the very meanest of the Queen's subjects. The Act imposed on all the new obligation of attendance at church. Henceforward to be absent from church on Sundays and Holy Days was a penal offence, and punished with a fine of twelve pence for every omission. Thus was created the new and expensive crime of Recusancy.

These two Acts are the foundation of the whole code. The later Acts testify to the difficulties of enforcing them, to the strength of the country's silent resistance, and to the poverty of natural attraction the new faith possessed in the generation for which it was made. An Act of 1563, 5 Eliz. i, extends the obligation of taking the Oath of Supremacy to all schoolmasters and tutors, to lawyers, sheriffs and all Common Law officers, while, by commission from the Lord Chancellor, any subject is liable to be offered it. The penalties are, for a first refusal,

the Praemunire penalties, and for a second refusal, death. Defence of the papal supremacy is again forbidden, and the penalties increased—no longer a mere fine but the Praemunire penalties and death, as in the case of those refusing the Oath of Supremacy. Moreover—and here is the beginning of civil disability as the consequence of loyalty to the old faith—all members of Parliament are to take the Oath before the Lord Steward before taking their seat. If they fail to take the Oath their election is held null and void.

Royal commissioners toured the country administering the new oath, and establishing the new worship. Sometimes the critics and those who refused the Oath found themselves deprived and in gaol. At other times the prudence of the authorities connived at the offence. But from the very beginning there is carried out, with thoroughness and system, the denunciation and fining of those who refuse to attend the new service; the recusant is a source of revenue and his gradual and inevitable beggary the best of evidence in every village of the land to the reality of the Government's will to reform.

Seven years went by and the Catholic resistance to change produced additions to the Code. Rome, hoping for better things, had for the first eleven years of the reign essayed a policy of conciliation. To Rome's overtures however Elizabeth remained deaf, and her persecution of the Catholics slowly hardened into a system until in 1570 the papal policy changed, and by the Bull *Regnans in Excelsis* Elizabeth was declared excommunicated and deposed, and her subjects released from their allegiance.

The sentence was a doubtful blessing for the English Catholics. As the event showed, the day was gone when the Vicar of Christ could summon the swords of Christian princes to execute his sentence upon spiritual rebels and apostate kingdoms. Nine years later, in the interests of, and at the instance of the missionary priests, the sentence—the political part of the sentence—was, as it were, suspended indefinitely, and the loyalty of English Catholics to their Queen officially allowed. But for the Protestant rulers of England the Bull of Deposition was, and continued to be, the best of excuses for identifying henceforward the old

religion and high treason. Even were the Government assured of the new policy of Gregory XIII after 1580, they could have argued that a loyalty conditional on an authority outside the kingdom is no loyalty at all. In fact, the English Catholics were loyal—a minority of exiles abroad excepted—and, it is equally a matter of history, the missionaries were an army bent on spiritual conquest only. That the Reformation government used the situation further to harass those whose destruction it had planned long before Rome could have wished to act, is not surprising. But before the fact of Catholic loyalty, to the ordinary man—who three centuries later notes the progressive degradation of law which, for loyalty to the old religion, branded as traitors men who would readily have given their lives for the Queen—this later Elizabethan policy cannot but seem a conscious perversion of justice meant to strike terror.

To call the Queen a heretic was henceforth treason. To bring into the realm—let alone put into execution—any papal document was treason, whether the document related to the private affairs of a man's conscience, or to the policy of the State. It was treason after the 1st July, 1570 to absolve or reconcile Catholics who had made terms with the Queen's religion, treason to receive such absolution or to be so reconciled. Anyone concealing his knowledge of these now treasonable spiritual activities was guilty of misprision of treason. Anyone bringing into the Kingdom spiritual comforts and aids "*Agnus Deis*, Crosses, Pictures, Beads, Pardons, Immunities and Exemptions," was to be punished with the penalties of Praemunire. A third Act of Parliament of the same session forfeited to the Crown all the goods and chattels and the revenues from land during his lifetime, of any subject who left the realm without the Queen's licence. The recusant was forbidden to leave the country, and forbidden, as though it were treason, to avail himself of even the spiritual assistance that he might need and that could only come from outside the country. His condition was to be yet more pitiable before the reign ended. New laws were made to prevent the faith reviving.

The possibility of the gradual extinction of the Catholic priest-

hood in England, under the legislation of 1559, had moved William Allen to found in 1568 at Douay in Flanders, a college to train priests for the English mission. These were the Seminary priests, and by 1580 a hundred of them were at work in England. In reply to Allen's seminary all the machinery of absolutism was set in force to fasten political offences on accused Catholics: they were indicted for plots to murder the Queen and conspiracies to depose her, but despite the perjury of witnesses, and the servility of crown lawyers and judges, the miscarriage of justice that sent them to death was only too evident. The Government thereupon pressed forward its degradation of law to make easier the application of the terrible penalties, and in 1581, to convert anyone from the Queen's religion, or so to be converted, became treason, while the penalty for recusancy leaped from one shilling a week to twenty pound a month. The application of the death penalty became easier still—never before in our history was it so easily applied to any but criminals—when by the Act of 1585 the mere presence in the country of any person ordained abroad since 1559 was made punishable by death as treason. English students in the seminaries abroad were given six months to return, and two days more in which to take the Oath of Supremacy; failing this they too were adjudged traitors. All who maintained or sheltered the priests affected by this Act were guilty of felony punishable by the gallows, and all who sent relief of any kind to the seminaries abroad, or to the students there, were subject to the penalties of Praemunire.

A last Act, eight years later, completed the code. Recusants were by it confined to within five miles of their home under forfeit of all their goods and chattels and, for their life, of all landed revenues. If a tenant-at-will, the recusant forfeited to the lord of whom he held. If he was too poor to make the confiscation of his goods worth while, the recusant was banished for ever. To remain in the country after sentence, or to return from exile was felony without benefit of clergy and entailed, of course, the penalty of death. A register of all recusants was drawn up, their names entered on the Quarter-Sessions Roll and their convictions certified to the Exchequer.

This was in 1593, and as long as the Queen lived the code was executed in all its merciless thoroughness. When she died many of the wealthier Catholics had fled abroad, others, beggared by the fines, filled every gaol, some two hundred had found death at the gallows, and a great number of course had conformed and taken the Oath. Elizabeth's accession had found England a Catholic country, with a strong and bitter Protestant minority. Of the statistics of its religious state at her death, of the proportion of Catholics to Protestants, of the proportion of sincere converts to the Queen's religion, it is perhaps impossible to speak with certainty. To one fact we have ample testimony—the existence, despite the operation of the new laws, of a very large body of active recusants. It is to the policing of these recusants that the penal legislation of the Stuarts is chiefly directed.

The new laws regulate, with increasing stringency, the registration of recusants, the systematic collection of fines, the confiscation of estates and property, and, at moments of anti-Catholic crisis, add yet further to the recusant's civil disabilities.

James I tests the sincerity of the recusant who conforms by the new obligation to receive the Sacrament in his parish church annually under penalty of a fine of £60. Officers instrumental in the successful prosecution of recusants are rewarded from the property thereby confiscated. Later, the same inducement is offered to the zeal of the general public and, a fruitful source of vexation to the Catholics, the law guarantees a reward to the private informer. Recusants are banished from the capital, they are forbidden to practise law or medicine, and they become ineligible for commands in either the Navy or the Army. They must be married by ministers of the King's religion or their marriage is void of civil effect; their children must be baptised in the new religion under penalty of a heavy fine, and dead, the recusant is laid to rest with the rites of the heresy against which his whole life has been so sincere—and expensive—a protest.

The recusant is incapable of administering an estate. He cannot act as executor under a will nor as a guardian; the guardian to his own children, if he dies, is the Protestant next of kin, and if the recusant goes into exile he becomes incapable of

inheriting. In all these acts the heavy penalty of the monthly fine is renewed, and for non-payment the King may hold two-thirds of the recusant's property. Catholic books imported into the country are confiscated and burnt, and the importer is fined forty shillings for every book brought in. Relics and crucifixes are to be defaced publicly in open court, the relics burnt, the violated crucifix returned to its recusant owner.

Charles I legislates "to restrain passing or sending of others to be Popishly bred beyond the seas," and those who go abroad, send others, or assist the seminaries and colleges beyond the seas are disabled from prosecuting suits at law, lose all their goods and their lands for life. This act is an incident in the Parliamentary victory of 1628, and the same influence produced fifty years later the next two statutes to be aimed directly at Catholics.

The first of these is the Test Act of 1673 which requires all office holders, military and civil, to take the Oaths of Supremacy and Allegiance, to make a Declaration denying Transubstantiation and to receive the Sacrament according to the Anglican rite. Those refusing lose their office, lose all right to sue in courts of law, are disabled from acting as executors, administrators, or guardians to a child, are made incapable of inheriting, and punished with a special fine of £500. The second Act, five years later, disables Papists from sitting in either House of Parliament, by obliging even peers—till now as peers exempt from the obligation—before they take their seats to swear publicly at the table of the House in full session, the Oaths of Supremacy and Allegiance, and to make the Declaration denying belief in Transubstantiation. Those who refuse are considered as convicted recusants and become thereupon liable to all the penalties of the Recusancy Code.

This Stuart legislation lacked the Elizabethan thoroughness in execution, as it lacked the Elizabethan simplicity of purpose. Then Crown and Reformers had been at one, the process developed steadily through its logical stages from 1559 to 1593, and the laws on the statute book, with the hearty appreciation of all responsible, were put into execution until every prison in the country had its quota of recusants, and every county town saw

the terrible barbarities that punished the new treasons. But, with the coming of the Stuarts, the Elizabethan simplicity of purpose due to the conscious unity of the Crown and the country's wealth, and the absence of all internal stress, vanished. Nor had the Stuarts in religious matters that panic ferocity which is the habit of men whose fortune is the product of revolution, and threatened therefore by the revolution's every changing phase. With the Stuarts, too, there came to an end that cultural isolation to which England had been doomed for half a century and more, and a revival of interest in the things of culture meant—in the seventeenth century inevitably—a renewal of relations with the civilisation that had remained loyal to Catholicism.

James I, from the beginning, set himself to cultivate an understanding with Spain, and hoped to make a marriage between the heir to the throne and a Spanish princess. When that project failed he turned to France, and thus, only twenty-two years after Elizabeth's death, an English king had married a Catholic wife. The sons of this marriage who came to the throne married, each of them, Catholics in turn and both of them were reconciled to their mother's faith, Charles II privately and James II, with characteristic courage, publicly and even defiantly.

The monarchy then, with the Stuarts, from their personal inclinations, from family inheritance, and from considerations of foreign policy, was far from being the natural heir to the Elizabethan tradition in what concerned the Catholic Church. That tradition none the less lived on and, in the immediate descendants of those who created it, found supporters not a whit less interested and enthusiastic. From this time on in the Protestant State, the Elizabethan simplicity was replaced by chronic stress and strain, due largely to this opposition of aims and ideals between the monarchy and the aristocracy, and aggravated by the Stuart determination that the monarchy should rule. It was a couple of generations before the issues were wholly disentangled and the debate proclaimed publicly in its basic simplicities, but from the heart of the great dispute of the seventeenth century the Catholic Question was never for a moment absent. The Catholic revival in the State Church might for a moment dis-

tract the Protestant mind, and the persecution of the State Church by the victorious Parliamentarians patch up a truce between Catholics and Anglicans. The reign of Charles II might be—as by Catholic admission it was—a time of peace, though of essentially uncertain peace, as the peace of truces is bound to be. Dissident Protestantism might for a time be driven under, but, in the end, the coincidence of the revival of Catholicity with the increasing success of the King's political manœuvres brought back the Elizabethan tradition in all its old fury.

The plot of 1677-81 in which the real conspirators are Reformation aristocrats, and Shaftesbury rather than Oates the villain, was its high water mark. The scandalous injustice of the treason trials of those years, and the wanton execution of men, whom everyone who knew anything knew to be innocent, recall the worst days of Walsingham and Cecil. The penal statutes of these years—the last two penal statutes of the old monarchy—are, like the persecutions of 1628-9 and 1641, the product of constitutional crisis, and witness to a royal defeat. Ten years later than the last of them the monarchy was finally worsted, and the ancient constitution destroyed. In the new system King and aristocracy were once more in fundamental agreement, and the victorious revolution was free to register in a few last acts the social and civil death of English Catholicism. The last supreme disabilities were enacted, the Catholic Church was rejected outside the state, deprived of the last poor possibility of regaining constitutionally through Catholic exertions anything it had lost. If Catholics lived henceforward they owed their lives to the contemptuous connivance of a conqueror who, armed at every point, held them, stripped now of every right, helpless before his power.

The rulers of Great Britain were rulers also of Ireland, a foreign country, whose only political link with England was the common King. Revolution in the one country involved, if the connexion were to be maintained, a sympathetic revolution in the other or an offensive war on the part of the revolutionaries. The Irish did not rise in sympathy with the English nobles, and a two years' war followed in which the Revolution was victorious.

Thenceforward, for a century and a half, the history of Ireland like the history of England, is the history of the rule of an aristocratic caste. Analysis of that history, however, reveals at every step features that have no counterpart in the history of the aristocratic régime in England, differences so radical as to give the system in Ireland a character wholly its own. It is a system that must be studied apart. As in England so in Ireland the aristocrats were a new creation. Like the aristocracy in England they, too, owed the opportunity that brought them fortune to the change in religion, but there was this peculiar to the system in Ireland, that there the ruling class was, in race, in language and in religious belief, alien to the nation, and the foundation of its power was the nation's recently confiscated property. It was not the Church alone that in Ireland had been looted to the profit of a small fortunate minority, but the vast mass of the national wealth, lay and ecclesiastical alike, had suffered confiscation, and that within living memory.

In Ireland, it so happened, religious changes coincided with a new policy on the part of the country's English rulers. Their power, till now no more than nominal over three-fourths of the country, was henceforth to be a reality, and the new religion came to the Irish in the wake of a political conquest. The old faith and the old race were to disappear simultaneously, and the first object of the conquest was this race extermination. It was no crusade to win the Irish from popery to a truer faith, nor was their more complete political subjection the object of these terrible wars. They were inspired, simply enough, by the same motives that destroyed the civilisation of Mexico and of Peru, directed by the same mentality that created the African slave trade, and underlay the contemporary industry of piracy, the mentality that is so large an element in every "age of expansion," the disgust for the slow processes of honest dealing and the instinct that there are, somewhere, quicker routes to wealth and power.

The clue to Irish history in the sixteenth and seventeenth centuries is land-robbery, and if an English statesman of the time could state the English policy as the rooting out of the Irish,

that rooting out was envisaged simply as the first condition of the security of the successful thieves. "The idea that it was possible to obtain at a few hours' or days' journey from the English coasts, and at little or no cost, great tracts of fertile territory, and to amass in a few years gigantic fortunes, took hold upon the English mind with a fascination much like that which was exercised by the fables of the exhaustless riches of India in the days of Clive and of Hastings. The Government warmly encouraged it." The English Government, in fact, took this by no means novel lust for other people's property, and made of it the chief instrument with which to develop the subject kingdom. The land was to be confiscated and English adventurers "planted" thereon in place of the dispossessed Irish. And to give legal colour to the process, "unheard-of confiscations were made . . . upon grounds of plots and conspiracies never proved, from their supposed authors. The war of chicane succeeded to the war of arms and of hostile statutes, and a regular series of operations were carried on, particularly from Chichester's time, in the ordinary court of justice, and by special commissions and inquisitions . . . for the purpose of the total extirpation of the interests of the natives in their own soil. . . ."[1]

So Mary's reign saw great tracts of Leinster planted, and the reign of Elizabeth a large part of Munster. James I, in his turn, confiscated six counties in Ulster to the profit of the English and Scotch settlers, whom a contemporary—himself a settler—could describe as "generally the scum of both nations, who from debt, or breaking or fleeing from justice, or seeking shelter, came hither hoping to be without fear of man's justice, in a land where there was nothing, or but little as yet, of the fear of God. . . ."[2] There were occasions when the English Government proceeded by treaty, such the famous Composition of Connacht, in 1585, that, in effect, made the great Irish proprietors tenants of the Crown and guaranteed their possessions as such, or the "Graces" granted by Charles I forty years later, for a sum of £120,000. These treaties were of course the scrappiest of scraps of paper before the economic necessity of the century's adventurers, and profited the Irish who signed them as little as, in the last century,

the land treaties with the United States profited the Indian nations of the American South and West.

Agrarian crime and rebellion were the inevitable sequel and in the train of suppression came yet further confiscations, new treaties once more, and once more new treacheries. Whatever the English Government, Catholic or Protestant, Tudor or Stuart, Cromwellian or Orange, "the original scheme was never deviated from for a single hour." The last act was the war of 1689-1691 that conquered Ireland for the English Revolution, and which, with its broken Treaty of Limerick, marks the ruin economic as well as political of the native Irish, the consecration of the settler's ascendancy. The Irish had lost their all. In their own country they—the vast majority of its inhabitants—stripped of political influence, became by this last defeat the slaves economically of the men who had stolen their land.

In England Catholicism was already a broken thing before the Revolution in 1688 expelled the last Catholic king. The ensuing anti-Catholic laws, and the execution of those parts of the ancient code that could profitably to the State be put into execution, was but a last gesture of contempt to the defeated enemy, the last safe leisurely cruelty before the victor turned insolently to more important matters. But in Ireland things were very much otherwise. The country was wholly Catholic, and the reformed religion simply another expression of the anti-Irish feeling of the successful English adventurer. The nation still survived after a century and a half of attempts to destroy it, and the faith it had retained was its one principle of unity. The nation survived, and the victorious English were still but a handful in the midst of the recently disarmed population. It remained for the English to secure themselves, in this opportunity of national despair, against all chance of future recovery, and to this they proceeded, planning with new refinements of oppression to make the religion of the Irish the means of their last and final degradation. Better perhaps than any other writer who describes it, Lecky has characterised the penal code of the Revolution for what it was in his simple analysis of its provisions.

There were laws designed to shut out Catholics from all civil

life, from the Parliament, from the franchise, from the municipal corporations. The learned professions were closed to them, the army, the navy. They were forbidden all those external signs of rank which by the conventions of the age accompanied noble birth and were its protection as well as its privilege. They could not wear a sword, nor keep a gun, nor own a decent horse. Another set of laws promised the eventual brutalising of the race by forbidding to it all and every means of education save at the cost of its faith, and set a limit to its possible success in trade by providing, for example, that no Catholic could have more than two apprentices. The Catholic, furthermore, was, as such, to be finally and for ever deprived of all chance of economic security by the laws that restricted his ownership of land. No Catholic could buy land, nor inherit it, nor receive it as a gift from a Protestant. He could not hold a life annuity from land, nor a mortgage, nor lease land for more than thirty-one years, and, supposing he held by some such short lease, the law provided for the confiscation of his profits did they exceed the rent by one-third. Any secret arrangement with a friendly Protestant to evade these laws was at the mercy of the first informer, to whom, on proof, the land in question was by law assigned.

But the most atrocious of these new laws were the barbarous provisions designed to destroy Catholicism by offering every inducement to domestic disloyalty, and to encourage and reward with wealth and position the unnatural hatreds of son against father and wife against husband. The eldest son, if only he apostatised, became immediately heir-at-law to the whole of his father's estate, and the father a mere life-tenant, unable to sell, mortgage, or otherwise dispose of any part of it. Any child apostatising was immediately free from the father's control, and to the apostate wife, free thereby of her husband, a provision from her husband's estate was assigned, as to the apostate child, at the discretion of the Lord Chancellor. The Catholic who lay ill with his children minors knew they would pass into the care of Protestants if he died, for no Catholic could be a guardian, and the Protestant guardian was bound in law to "educate and bring up such child or minor in the Protestant religion."

It was for its laws as they affected social life that the code was most important, for these laws came nearer attaining their end than those directly designed to prevent Catholic worship. These last were of course not lacking. They existed prior to the Revolution, and the effect of the Revolution was their extension in detail and their more systematic execution. Acts of the reign of Elizabeth forbade the celebration of Mass, and, as in England, required universal Sunday attendance at the new service. It was never really possible to enforce them systematically. The code of the Revolution proceeded by regulation. All priests, by a law of 1703, were to be registered, under penalty of imprisonment, banishment and death on return, and only those registered could officiate as priests, and the law elaborately restricted the scope of their spiritual activities. Bishops, their vicars-general, deans, were banished under the same penalties, and a reward awaited the informer who secured their conviction. Members of religious orders, too, were forbidden the country. "The design was," wrote the contemporary Protestant Primate to the Prime Minister, "that there should be no succession," the registered clergy would gradually disappear by death, and the lot of the thousand or so who did register was made wholly intolerable when, five years after this Registration Act, they were required to add to the Oath of Allegiance and Loyalty already sworn a new oath of abjuration, recognising the Protestant succession *de iure* as well as *de facto*. The penalty for refusal was banishment for life, and, on an unauthorised return, death. Of the registered clergy less than forty took the oath, and the system of registration from this on fell into disuse.

The whole Catholic clergy was at the mercy of the law. New laws provided for the punishment of magistrates who neglected to seek out the priests, and half the fine payable by such magistrates went, for the encouragement of his kind, to the informer through whom they were convicted. A similar reward for the discovery of any unregistered priest or friar bred the new race of priest hunters, from whom the country was not free for nearly a century. The laws were not successful. They never were enforced to the letter throughout the country over a very long

period together, but their execution remained a possibility realisable at the will of the first informer, and in their religious life three-fourths of the nation were henceforth systematically blackmailed. The whole nation entered into spontaneous conspiracy, became for its religious necessities a secret society, and its clergy especially, a *gens lucifuga*. Only thus—the best of its manhood drained abroad, where alone a career lay open, those who remained, cowed by the unrelieved degradation, and discouraged by the steady, if slight, leakage of traitors to prosperous and bitter apostasy—did the faith of the Irish survive, while all else they might have had slowly rotted away.[3]

These laws are witness to the savage will of the victors even where the deed was barely possible, as the social code, product, as Burke was to note, of their security rather than their fears, is a memorial of their contempt. The savage cruelty that inspired them showed itself in all its beastliness when the Irish Privy Council, as late as 1719, altered a bill enacting that unregistered priests should be branded "with a large P to be made with a red-hot iron on his cheek," and proposed for branding to substitute castration.[4] The code illustrates the spirit of the Ascendancy, and though it was never executed in the letter of its rigour, its existence, and its occasional execution, served to keep this spirit alive through long generations, to foster that curiously barbarian cruelty towards the Catholic which, and for long after the eighteenth century had ended, was one of the most evident marks of the Ascendancy class in Ireland.

What further embittered the dispossessed Catholic majority to whose demoralisation and degradation all this legal ingenuity was devoted, the whole code was a violation of public faith most solemnly sworn to. The last army defending the royal cause against the Revolution surrendered at Limerick in the October of 1691 on terms that guaranteed to the Catholics á great measure of religious security and freed them from the menace of further molestation. The Treaty was drawn up in form, sworn to, ratified, and, the war over and the Irish army dispersed to France, thrown aside as though it had never been. The perjury was hardly likely to trouble the consciences that had shaped history

since 1678, but—and it is important to notice the fact—the oppressed Catholic never forgot it, and the memory of it was to add for ever to the Ascendancy's difficulties.

This double origin in theft and perjury of the Ascendancy's power, the alien character of the victorious aristocracy in their contrast with the steady adherence of the whole Irish nation to their ancient ideals of race and religion, throw into high relief the class character of the Revolution's triumph in Ireland. While in England the Russells, the Pelhams, the Grenvilles, and in Scotland Argyll and Dundas were at least of the same race and religious indifference as the people they misgoverned, in Ireland the new rulers were so obviously foreigners, so inevitably without understanding of, and incomprehensible to, their subjects, that the effect of 1688 was a régime of anomaly, ludicrous in its exaggeration had it not been so obviously, tragically wicked. It was in plain matter of fact a perversion of social justice, perpetuated with an indifference to all sanctions, human and divine, that ended for those responsible in a habit of inhumanity dreadful to reflect on, and that can still provoke in the heirs of its victims the hatred it so richly earned. It was this hatred of the Ascendancy that so largely inspired the genius of O'Connell, and which, once his inflammatory eloquence was directed to rouse it, nerved a nation of serfs to take courage, to fight and overthrow the evil thing. For from the first moment of its creation this evil thing, Protestant Ascendancy, was fated. It lacked stability, inevitably, necessarily. Like some gigantic pyramid poised nicely on its apex, it was doomed to a life of crisis, swaying now this way, now that, ever seeking the stability its authors put beyond its possibility, the final resolution of its insecurity in catastrophe a mere matter of time, only delayed by the artifice of continued opposing violence.

Violence, indeed, and fraud were the main instruments by which the iniquity was wrought, fraud private and fraud public, fraud so systematic on the part of the English that an instinctive suspicion of their public good faith was to become one of the subject race's most notable characteristics. This triumph of violence and fraud, the successful scoundrelism of the Revolution

designed to secure for ever by the social degrading of its victims, by a final oppression that should make them, and for ever, the hewers of their wood, the drawers of their water, only a little more intelligent and hardly less brutal than the master's animals which they tended. So were enacted the "ferocious laws of Anne."

The code failed—the perfection of its inhumanity made failure inevitable—but it only just failed, and it only failed to achieve the fullness of the wickedness it attempted. The race it hoped to barbarise escaped. It still survives. It promises to flourish. But the effect of that most terribly oppressive of all the long centuries of its history has been a perversion of its psychology, a confusion in its mentality from which it can hardly ever be free, and from the fullness of whose evil consequences nothing could have saved it but the Divine Faith to which it still so passionately clings.

Any study of the Catholic question—in essence a phase of the Irish Question—that failed to note and attempt to explain the Irish hatred and suspicion of Ascendancy and thereby of English politicians, would be worthless.

### (iii) *The Changing Nation*

Nowhere, perhaps, are the real nature of a political system and the notions of the function of government that inspire it so truly revealed as when the system faces domestic crisis and revolutionary change. With such a crisis and such change the system of 1688 was faced, when, less than a century from its establishment, the perfection and commercial application of a series of technical inventions did more in a lifetime to transform the national life than the evolution of half a dozen centuries. For an oligarchy so completely in control of the national life as was the Revolution aristocracy, it was the best of opportunities to translate instinctively into law and institutions whatever political theories were its creed. The action of the aristocracy in the crisis is in fact excellent commentary on its theories of liberty, citizenship, and the State.

It is from this point of view alone that this study is concerned with what is commonly called the Industrial Revolution. The gains, the losses to national life, the responsibility for the disasters entailed are not its subject. The great half-century of change is noted here simply for the light it throws on the social mentality—on the practical expression of political theory—of the men who then ruled England by virtue of the Revolution of 1688.

The tale of the new inventions is familiar history. The new smelting processes of Darby and Cort came into use in the early part of the century; and Watt's development of the steam engine, that made a new thing of it—the thing it has remained essentially ever since—dates from 1776. There is the new road-making of Metcalf (from 1765), Telford (1787) and Macadam, whereby roads, of incredible badness for centuries, came in a generation to be the finest in Europe. There is the contemporary improvement of inland navigation—Brindley's Worsley canal (1761), which by 1800 bred nearly 3,000 miles more of new waterways. There is, contemporaneous with this too, the greatest change of all, the invention of the new textile machinery. To Kay (1760) and Cartwright (1785) are owing the new machines for weaving, to Hargreaves (1770), Arkwright (who probably stole the invention—1768) and Crompton (1779) mechanical spinning.

It only remained to organise the industry according to the new processes (Arkwright's factories, 1771-1784) and to link up the textile inventions with the discoveries of Watt and the possibilities offered by the change in iron manufacture. By 1790 all the mechanical factors of the Revolution were in full operation. An incredibly rapid increase in trade, an equally astonishing increase in population, a sudden shift in that population's geographical distribution, the establishment, universally in the new industrial areas, and within a very few years more, of the slum, and the appearance of a great new class of rich men are outward signs of the change.

The condition of these new industrial populations, and apparently from the beginning, was one of great misery. Re-

fugees from the miseries of the social system in Ireland, the dispossessed victims of the enclosures, the unwanted living refuse that embarrassed the London workhouses, provided the new enterprises with labourers to whom necessity made any wage acceptable. The story is one of an ever decreasing standard of life for the labourer, of a system where, as the fortunes of those who organised it grew ever larger, wages fell ever more and more behind prices, a system whose most evident result to the worker was the ever lessening importance of the circumstances of his own life. Home life, comfort, decency ceased to have any meaning for him, caught up, as with wife and children caught up he was, in the rigid inhumanity of the new industrial discipline.

It was a brutal and barbarous system, and in nothing so incredibly brutal and barbarous as in its treatment of the children whose labour was its very foundation. Child labour was not, of course, the invention of the new industrial pioneers, but in their organised use of it they displayed an indifference to all human feeling, that marks them and their time as devilishly unique. "It became," say the authors of *The Town Labourer*, "the most important social feature of English life"—this employment of children, of babies, carted northwards in thousands year by year, through half a century, as criminals were transported to clear the prisons, handed over until they were twenty-one to the unchecked brutality of masters to whom they were but the cheapest of new machinery. In the mill, beside the machines, they passed their long fifteen hours a day of labour. In the mill, often enough, they slept, or in an apprentice-house, the master's property, where life had all the horror of the contemporary gaol. The problem of providing the labour, year by year more necessary, found a solution in the forced labour of pauper apprentice children—a solution that at the same time relieved the London parishes of their newest embarrassment. A traveller describes—obviously exaggerating, one would say—how in the early part of the century the dead bodies of unwanted babies could be seen along the roads leading from the capital. That from sixty to seventy per cent. of parish children died in infancy, we know. Hanway's Act of 1767 made their survival profitable to the

child farmer with whom they were boarded, and thereby threatened the Poor Law authorities with a new embarrassment, a population of pauper children who survived. Within less than ten years the new industrialism came to absorb them.

The new exploiters of the common people were not—with the exception of aristocratic mine-owners like Melbourne and Lord Londonderry—of the class privileged to monopolise political power, but this ruling class was, and remained, indifferent to all the sufferings, hostile to interference, and anxious only that the mass of the nation in the aristocratic state should keep the place proper to it. What that place was, the action of the Government during the crisis illustrates very clearly.

For Pitt the labourers were simply the "ignorant and profligate,"[1] and, for the humanitarian Wilberforce, only worthy of consideration in so far as their labour was essential to the social system.[2] Each year saw new and ever more savage penalties decreed by the State of 1688 against the efforts of these unhappy people to protect their lives from the barbarities of the new system and to maintain their standard of decent living. Any and every illegality in the administration of law by the magistrate was condoned, connived at and encouraged where it told against the worker. All the vile machinery of police, spies and *agents-provocateurs* was set in motion to justify Governmental rigour; the gaols were filled and the hangman busy with the hardy few who made appeal to theories of English liberty in the only way possible to the disfranchised and dispossessed.

It was a cruel age that, down to 1790, had burnt women alive,[3] and that in the very nineteenth century was to revive the ancient penalty of branding.[4] It is then no matter for wonder that it sent boys of sixteen and fourteen to the gallows for their share in the protests, and transported to penal settlements beyond the seas children of ten and twelve ; what laws were from time to time forced through for the protection of these unhappy slaves were never put into operation. Such, for example, the Act of 1788 regulating the barbarity that set babies climbing the nation's chimneys to clean them, and Peel's Acts of 1802 and 1819, protecting children in the cotton mills—dead letters all from their

very enactment. The social laws to which during this time the aristocratic Government gave most attention were the Combination Acts of 1799 and 1800, and these, with undisguised partiality, were systematically administered in favour of the rich and for the greater oppression of the poor.

In the governing classes, as among the mill-owners, there were of course generous minds to react and protest against these iniquities, but such minds were exceptional, and a fifty years' campaign of social education lay between them and their first poor beginnings of success. The necessity of this long social education, and the general refusal of the ruling class during that time to go as far as the better masters themselves were willing to go, is lamentable evidence of the extent to which national welfare meant for the ruling class their own prosperity and the safeguarding of their political privilege.[5]

The House of Lords as late as 1819 refused to forbid the employment of girls as chimney sweeps, and in all the fights to regulate the abominations of child labour there was as yet no thought of any children but those in the mills. Of these it was only those under nine whom the law protected, and down to 1833 a child of nine could legally be worked twelve hours a day, while for the unfortunates who slaved in the mines, nothing was done at all. For many years yet to come they were to work "chained, belted, harnessed, like dogs to a go-cart, black, saturated with wet and more than half naked—crawling upon their hands and feet, and dragging their heavy loads behind them . . . girls as well as boys,"[6] and to none of the cultivated noblemen for whose enrichment they so "crawled and dragged" did it ever apparently occur that the condition of these child slaves called for notice. The State, where these unfortunates were concerned, had only one function—to secure their due subordination.

The common man had his place in the nation, and the ruling class was concerned to determine it, as in 1688 it had determined the place of the Crown. To the worker it proclaimed a doctrine of serf labour and low wages, for into a serf class was he born, a class to which the State owed no obligations. For this class "discipline was the truest kindness," and the art of government

resolved itself into the art of preserving discipline. It was, said Sydney Smith, "an awful period for those who held liberal opinions . . . not a murmur against abuse was permitted . . . to say a word . . . was treason." Hence, the newly devised barracks built throughout England to house the army in its latest task of policing the workman ; hence, for forty years the atmosphere of civil war and the frequent reality of martial law, suspension of Habeas Corpus, special commissions, wholesale transportations and a brutal frequency of executions, whose tale still sickens a century after.

Pitt, Dundas and Castlereagh, Sidmouth and Eldon are nowhere more the heirs of 1688 than in the application of its theories to the would-be reformers of the industrial tyranny they patronised and blessed. For while a terrible fate awaited these lower-class critics, it was still true that "the upper-class Englishman was the freest in Europe," and for him, whether he went with the thought of the time or with the tiny band that fought round Fox, in violent protest against it, the State was his inheritance. He was free of it as of right, where to his poorer countrymen it presented itself as something external, something alien, a machine for their better repression and subordination.

That the "thought" of the day sanctioned the abuses, is true ; true also that the State Church blessed them, as, in the evangelical revival, it bade the worker submit himself in humble gratitude that things were no worse, and, in the army of parson magistrates, provided him with the most merciless of all that generation of pitiless judges. But in no time, unless one class had the monopoly of government, could so great abuses have been allowed for the profit of a few to enslave and degrade the free citizens of the State.

Locke—developed: the classic economists given carefully eclectic treatment: the vagaries of private judgment in the evangelical movement: these may be the component elements of the mentality that presided so fatally at the birth of the monster and tended its infancy, but in none but an oligarchic state would it have been allowed to live, its deformities uncorrected.[7]

It is by no means without interest to the subject of this book

that the generation to which the Catholic Question presented itself was this generation of the perfection of oligarchic rule, of an inhuman indifference to the general welfare to which the philosophy and religious feeling of the day gave an incredible blessing. It only needed the shock of contemporary events in France and this mentality was for a generation consecrated as the first test of loyalty and public virtue. As such it was the greatest obstacle in the way of reform, and, of course, one of the greatest to the solution of the Catholic Question.

# BOOK II

## THE ELEMENTS OF THE PROBLEM

### CHAPTER I

### THE IDEAL OF RELIGIOUS FREEDOM

(*i*)

ARISTOCRATIC England, the England of the century and a half that lies between the Revolution and Catholic Emancipation, offers to those who study it a singularly complete satisfaction. In its literature, in its architecture, in its art, in its oratory, in the perfection of its social habits, it is immediately evident as an age at rest with itself, as an age that to itself presents no problems beyond its own understanding. It is an age in which the political bases of National life are settled, definitely decided beyond thought of revocation, for the whole of the generation and by a quasi-unanimity of the only opinion that matters. It is from this certain security of political form that there derives that perfection of ease in life and action, that satisfaction with present achievement, that give uniquely to this century its effect of completeness, of finish, of adequacy. The poets, the musicians, the builders, the great painters, the orators, each in his ordered time and place, lay us under their magic, and as the mind lies open to its influence there comes upon us too that subtle hallucination of the perfection of the finite, and that paralysis of thought that is bred of it. For in what concerns the understanding of ideas, the discussion of their nature and import, this eighteenth century is the very lotus period of our history, the time that always is afternoon, so that the thinker is, one may say by definition, a rebel against his time. For the thinker detects the fallacy and,

ever criticising, must for ever strive to approximate more nearly to the ideal that which reason sees to be imperfect.

The age was complete and produced its philosophy, a poor addition inevitably to the corpus of human thought, for the philosophy, like the age, was complete, satisfied, assured : a poor addition, for thought can never rest satisfied short of the ultimate and this thought ceases with the understanding of its time, and the explanation of that temporary phase to those who were making it. It occupied itself little with the infinite, the supra-sensible, the great metaphysical realities, but set itself rather to the explanation of the concrete, problems of conduct, the discussion of politics, and to seeking a justification of the age's natural perfection before the Perfection that is infinite. Among the practical problems it set itself—this thought that so ignored the infinite and acknowledged no ultimate norm of truth—was the problem of its own relation to political authority. What concern has the State, lawfully, with opinion, with the expression of opinion ? On what grounds can it interfere, and what are the limits of its legitimate interference ? This problem it never solved, and could not solve so long as its political philosophy confined itself to justifying the political system of the day.

It was the century where the successful revolutionary aristocracy was ruler and the political theorist was, primarily, the Revolution's apologist. Aristocratic oligarchies are the least likely of breeding grounds for liberal ideas. Their chief concern is to maintain and justify privilege, and liberty, logically, comes to mean security for present good fortune. The State as reorganised in 1688 is no exception to the rule, and it was only when George III began to show himself as adept at the trickeries of the political game as the aristocratic oligarchy that the events of 1688 were discovered to be patient of a democratic interpretation. It was before a menace to its own place of privilege that, in the Whig mind, freedom slowly broadened down, and, true to precedent, according to expediency rather than to principle. The philosophy that justified the Revolution could prove inconveniently more than the revolutionaries guessed, and it was only when they saw the new monarchy using the new

Constitution against their privilege that, to protect privilege, the descendants of the revolutionaries turned to explore and employ the deeps of the justifying theories.[1]

Locke had justified the Whig Revolution as against the exaggeration of Stuart absolutism. Burke invokes the same Revolution to defend the oligarchy in possession against the constitutional kingship, beginning now in its turn to toy with the revolutionary machine. Political liberty, in any wider sense than the legal guarantee of privilege against the arbitrary will of the Crown, was, in England as it had been elsewhere, the accident of political struggles rather than the achievement of a successful crusade. Universal political liberty that sees the citizen in the meanest of a country's labourers, and calls for the safeguarding of his civic dignity, the State's acknowledgment of the rights that flow from it, is a plant of very slow growth. No soil was less suited for its growth than that century of cynical political adventurers, of the earliest commercial swindlers in the grand manner, of the monopolists of the slave-trade, of the carelessly accepted brutalities of the industrial revolution. And if in the thought of the day there was little place for the ideal of political liberty, for that of religious liberty there was none. In matters of religious belief and in all that concerned the acts of that virtue, privilege and expediency, interest rather than principle were the considerations that shaped policy.

Locke, for example, fashionable and influential for half a century and more for his success in raising the job of 1688 to the high level of principle, excludes from his State—that is yet based on consents—religious societies necessarily hostile to his State. His arbitrary judgment—the product of his own ignorance of fact, and his personal dislike—classes the Catholics as necessarily hostile, and his philosophy is the justification, traditional after a few years, of the popular prejudice that outlaws and oppresses them. Locke is "the one thinker of the time who attempts the discussion of general problems of the modern state," and in the "intellectual bankruptcy" of the years that follow, men do little but essay the application of his superficial and interested generalities to the particular question of the hour.[2]

In the particular question of the Penal Laws regarding Catholics, traditional prejudice and careless ignorance, thanks to Locke, have henceforward the highest philosophical sanction.

(*ii*)

The greatest political thinker of the generation to which the Catholic Question presented itself was Burke, but even Burke contents himself with the correction of detail in the contemporary theory, and leaves its foundation uncriticised. He is a true child of his age, "relatively barren of abstract thought," in his dislike of abstraction, in his ignorance of its necessity—we have his own warrant for the statement—and in his scorn for what he grasped of its results. "Abstract principles," he said in the House of Commons, speaking against Fox's motion to repeal the Test Acts, "he disliked and never could bear ; he detested them when a boy, and he liked them no better now he had silver hairs. Abstract principles were what his mind could not grasp. He must have a principle embodied in some manner or other, and the conduct held upon it ascertained, before he could pretend to judge of its propriety and advantage in practice."[1] His notions of politics, then, derive from any source rather than the metaphysical, and like all solutions that divorce themselves from the study of fundamental reality, they are to that extent superficial. "Man he had found in society, and that man he looked at—he knew nothing of any other man—nor could he argue on any of his rights. . . . Abstract rights of all kinds . . . might be discussed in some other state ; but they were totally unfit for this life and consequently could not be fit for argument."[2] Inevitably then, "I never govern myself, no rational man ever did govern himself, by abstractions and universals," for a "statesman is not a professor in a University," but "has a number of circumstances to combine with those general ideas, and to take into consideration."[3]

From the haze of these notes for a speech, the leading characteristic of Burke's mental activity stands out sharp and definite. He is a statesman, not a philosopher, concerned to solve the

immediate problem and, once more, to solve it within the State of 1688. His earliest criticism of the laws against the Catholics comes to us in this same practical language of the politician, "impolitic and inefficacious."[4] He sees the great difficulty that "Laws, like houses, lean on one another, and the operation [of repealing an old law] is delicate. . . ."[5] "As no legislator can regard the *minima* of Equity, a law may in some instances be a just subject of censure, without being at all an object of repeal,"[6] and, twenty-five years later, supporting the Catholic Relief Bill of 1791, he is still as practically cautious, "the surest mode of remedying grievances was to proceed moderately, and do away a little at a time. . . . Men ought to be relieved of their prejudices by degrees."[7]

"The English Constitution, as Burke knew it, was the best of Government 'reasonably possible' for the country as he knew it,"[8] and, in whatever corrections of detail he is willing to make, he has always in mind that "rust has its uses," and the happy confidence that the principles of 1688 are capable of extension sufficient to cover every possible question of social justice. This is the frame within which all his thought moves, this supposition "that there is a disposition *to take the State in the condition in which it is found*, and to improve it *in that State* to the best advantage."[9]

It is important here to note how fully Burke realised the different thing the Revolution was in England and in Ireland. In Ireland the effect of 1688, he observes, was the reverse of its effect in England. There it was a conquest, a conquest in which the conquered were the majority of the inhabitants, and "the policy of conquest is the permanent rule of the country's government."[10]

The situation in the two countries was different and it was from a different principle that in each case he favoured the policy of relief. In neither case was his principle the principle of toleration for its own sake. Burke was never an advocate of absolute rights in such matters as the expression of opinion. The State "had an uncontrollable superintending power over [the religious opinions of its subjects], and it was highly necessary for the propriety, the safety, the good morals and the happiness of the community,

that it should have such a power. Opinions influenced the passions, and the passions governed the man."[11] State policy, in relieving dissenting opinion from legal restraint, was to be guided by the particular circumstances of the moment, "circumstances and the pressure of events."

He spoke and voted to relieve the Dissenters in 1773 because he thought there was no reasonable cause for their restraint. Twenty years later he spoke in the contrary sense, his mind inflamed with the panic generated by the upheaval in France, and associating Dissent with Jacobins. In this speech[12] he referred to his vote of 1773, and, interestingly enough, explained his silence in the debate of 1787 on the same question. He had not been able to make up his mind whether relief then were politic or not. "He could not lay hold of any one straightforward principle for the better guidance of his judgment." Between this reasoned opposition to relief in 1790 and the rhetoric of his earlier speeches there is a great difference, but a difference in form merely. Then "Toleration was a part of religion," and he would have it, "a part of the establishment, as a principle favourable to Christianity, and as a part of Christianity."[13] Though Acts of Uniformity were the necessary condition of peace and order in the Establishment, he was anxious too for "the poor fluttering silken wings of a tender conscience," making a point in the House of Commons of "Christian Charity," that "consists in allowing others a latitude of opinion, in putting a restraint upon their own minds, and in not suffering the zeal of the Lord's house absolutely to eat you up."

It is, however, all expediency and political prudence. In 1773 nothing had occurred to prejudice Burke against the Dissenters. The principles of 1688 had not yet been applied in that dangerous generosity that threatened to let in "the giddy mob" to the high places of government. The Dissenters of 1790 were not the Dissenters whom Savile had championed fifteen years before. They were now, Burke considered, a menace and he voted against them on the fact. It was entirely a matter of fact, and, were he convinced that his facts were wrong, he would reverse his vote.

It was the same consideration of fact that moved Burke in his action where the Catholics in England were concerned. Neither State nor Church had anything to fear from them, he explained in the debate of 1791. "No man thought of any danger from the machinations of the Pope . . . the Pope, politically speaking, was as dead as the Pretender, as dead as Julius Caesar."[14] And hence he was willing, anxious, that they should enjoy the full civil protection that he desiderated years before, " an immunity from all disturbance of their public religious worship, and a power of teaching in schools as well as temples," the protection he was equally willing to grant to all, "to Jews, Mahometans and even Pagans,"[15] presuming always such toleration in no way prejudiced the State or its "necessary creature and assistant . . . in all its beneficent purposes," the Established Church.[16]

In Ireland conditions were very different, and Burke's approach to the problem of Catholic Relief is from a point of view peculiarly his own, and for a Whig of his period miraculously free from conventional pretence. He distinguishes between the principles of the Revolution—he means, of course, the Whig theory that justified it—and the things done, and finds the deprivation of millions of Catholics of all their civil rights "not conformable to the declared principles of the Revolution." 1782, he suggests to Sir Hercules Langrishe, is a better pattern for action than 1688.[17] Burke is much more satisfying in his discussion of the problem in Ireland than when he is faced with the question of Dissenters in England. It was, once more, the facts of the matter that governed him, and with the facts of the Irish problem he was unusually familiar, and, in his public recognition of them, quite unusually honest and outspoken.

He was Irish by blood, by birth and by education and, by his religion, was of the Ascendancy class. Yet his mother and sisters were Catholic, as in all probability were all his grandparents, and when he married, he married a Catholic's daughter. He had lived in Ireland continuously until early manhood, mixing with Catholics, mixing with the peasants—for he spoke Gaelic fluently—and it was in Ireland he began his political career, as private secretary to an English politician in high office at Dublin

—the Chief Secretary, Gerard Hamilton. This appointment coincided with one of the worst periods of oppression in the century—the Whiteboy troubles of the early years of George III, and it was probably during this residence in Ireland that Burke composed the long fragment on the laws affecting Irish Catholics, which, with the letter to Langrishe thirty years later, is the fullest exposition of his mind on this question that we possess.

The paper[18] begins with the characteristically practical note that the laws are "impolitick and inefficacious" as well as unjust, the cause of lack of prosperity, of injury to morals and to the country's safety, and what is written of the whole that he planned is an attempt to prove this thesis. His conclusion is as characteristic : the real danger is subjects justly discontented. The penal code is erroneous in principle. Its wide extension is evidence of its invalidity, because it is a law against the people itself, persecuting, as it does, two-thirds of a nation. Justice, under such a law, can only find refuge in those holes and corners which had escaped the sagacity and inquisition of the legislator. The Law lacks authority, for—an application of good Whig doctrine impossibly disinterested in 1765 to any Whig but Burke—"the remote and efficient cause [of law] is the consent of the people, either actual or implied ; and such consent is absolutely essential to validity." Universal consent to injury of self it is impossible to presume.

Catholic instinct, moreover, is sound in adhering to the ancient faith—"the establishment of their forefathers"—even though the object of their loyalty is a mistaken one Though they mistakenly hold to this object, their principle of loyalty to tradition is undoubtedly right, and the State thus punishes them for acting on a principle, of all others the most necessary for preserving society. Governments may set up religious establishments, but they cannot claim to control the religious beliefs of men who choose to remain outside the establishment. For the basis of Establishment is consent, and for Governments to bind down those who, as outside the Establishment, do not consent, is to claim from them a religious assent upon mere human authority, which Burke judges absurd and preposterous. Legislative authority,

then, is not the ground of religious persuasion, and dissent, therefore, in matters religious, is not rebellion. Religion is paramount to, is independent of, laws.

The Government of Ireland as it affected Catholics lacked what were to Burke the foundations of all law—"Equity and Utility." It was oppression erected into a system, and this alone would have made the man its devoted enemy. This Protestant Ascendancy, at the very end of his life, he could link together for malignity of principle with Indianism as it ruined Asia and the Jacobin spirit he conceived to be menacing Europe.[19] His endeavours in the matter of the Relief Act of 1778, he wrote to Dr. Curry[20] (14th August 1779), were wholly guided by this same uniform principle, "interwoven with my nature . . . I mean an utter abhorrence of all kinds of public injustice and oppression: the worst species of which are those, which, being converted into maxims of State, and blending themselves with law and jurisprudence, corrupt the very fountain of all equity, and subvert all the principles of government." Even where he did not succeed in escaping from the only theory of toleration his generation knew, his knowledge of Catholics freed him from its corollaries, knowledge, as he wrote to one of the clerical fanatics responsible for the Scotch riots of 1779,[21] drawn from Catholic sources. He knew, too, what few men of his education knew then, and what only a few more have learnt since, the utter worthlessness of "the silly things called 'histories' ";[22] and, an official in the Dublin Castle of 1765, he could see the Whiteboys of the time as "an innocent people driven to madness and despair,"[23] and cite the broken faith of Limerick to condemn the wickedness of their oppressors.

(*iii*)

To the immediate practical effect of the Revolution of 1688—the transfer of executive power to an aristocratic oligarchy—there was bound to succeed, sooner or later, a movement of criticism and counter-revolution. For half the hundred and fifty years of its rule the aristocratic system had hardly a critic, but, as the eighteenth century wore into the reign of George the Third,

reaction against oligarchic pretensions began slowly to show itself in every department of the national life.

The King, from 1760, set himself to break the political ring, philosophers, law reformers, philanthropists and churchmen whom the degeneracy of established religion shocked into criticism assisted, and soon there was perceptible beneath the even rise and fall the first movements of a new swell rising from the deeper places, and menacing, inevitably, the artificiality of social and political convention. George the Third, Bentham, Wesley are equally the leaders of the new revolt, each of them in his turn setting his energy against the century's current. Against the time's "divine self-satisfaction" there slowly begins a movement of universal criticism and, in a reaction against the century of oligarchy, Victorian Liberalism is born. Like all such movements, it was in its origin a movement due to personalities rather than to principles, and owed whatever it had of energy to individual dislikes and hardships rather than to the strength of a rival philosophy. In part it was directed to political reforms and, inspired by contemporary latitudinarianism, to the radical reform of ecclesiastical institutions. Or it looked to a remodelling of the Church from the very different standpoint of primitive and fervent piety.

From the beginning, then, the reaction against fashionable religious ideals embraced two parties mutually hostile : descendants of the Deists to whom all established religion was a mere matter of State policy, the imposition of creed and the teaching of definite truths a tyrannous imposition, and fervent Evangelicals for whom Church Reform was the means to an establishment with creeds yet narrower and a manner of life still more strict. From this Evangelical Movement were to come some of the bitterest supporters of the Test Acts, the most strenuous opponents of all relief to religious Dissenters. The Deists, developing their patriarch, Locke, were no less hostile to the re-admission of Catholics into the State, Catholics being potential enemies with a double allegiance, though Deist indifference to dogmatic teaching led them fiercely to reprobate the persecution implied by exclusion from civil rights on religious grounds. In neither Deist nor

Evangelical was there as yet enthusiasm for religious toleration for its own sake.

Nor was the criticism of the new political Radicalism much freer in this from the influence of its century.[1] The Papist was still the enemy mysteriously powerful, of infinite resource not to be fathomed by the uninitiated, an element to be shunned and excluded from political life. The Common Council of the City of London, for example, which by its support of popular agitators against the Executive—notably Wilkes—had come to be the very sanctuary of this early Radicalism, was equally violent, and equally popular because of its violence, when after the Gordon Riots it petitioned Parliament to re-enact the Penal Laws whose repeal had been the rioters' excuse. Bentham, indeed, in an impatient contempt that regarded Pope and Archbishop of Canterbury as alike mere antiquarian survivals, might propose to sweep away all religious tests, but Bentham's hour was not to come for another generation, and as yet Bentham was but an individual critic with no following.

The later Radicals, bred of the French Revolution, are, in this respect, equally disappointing.[2] Few of them were interested in religious reform—it was political tyranny here and now active that provoked the movement, and its short life was occupied to the full with the brave endeavour to think out publicly a criticism of contemporary politics, and survive. One of these Radicals, a clergyman of the English Church, William Frend, did, it is true, turn his Radical philosophy to a direct criticism of things ecclesiastical, proposing besides the abolition of tithes and a reform of the liturgy, the abolition of religious tests, but where the Radicals met this position of the structure they attacked, their point of view was more generally that of Mackintosh.[3] Their objections to religious tests as civil and political qualifications were based on no contrary theory. Simply they numbered the tests among current abuses, something with much other kindred lumber, that could be swept away without any necessity for previous discussion.

This Radical movement was a noble protest against a political system rotten with abuse. The Executive was too strong for it

and in less than ten years it was driven underground, long before it came within the possibility of influencing whatever of public opinion had power to bring about change. But in the House of Commons its ideals found a voice—and for long after Pitt's repression—in Sir Francis Burdett, the solitary Radical in Parliament for a whole generation,[4] and Sir Francis Burdett was throughout an uncompromising enemy to Tests and an undismayed advocate of the Catholic claims.

Of more weighty influence than Burdett and the Radicals with the narrow class in whose hand the Government lay, were a school of new Whig writers, whose principles had been assisted toward their logical Liberalism by the Dundas régime in Scotland in the last ten years of the century. These were the founders and first editors of the *Edinburgh Review*, founded 1802, Francis Jeffrey notably and Sydney Smith. Idealists they undoubtedly were, impatient of public injustice, irritated by the stupidities and ignorance of contemporary bigotry, and yet compelled by the almost universal hold of that bigotry to urge their ideals on the more likely grounds of expediency and policy. Like Henry Brooke, fifty years earlier, they had little choice but to criticise the Popery laws, not "as being secret or oppressive of Irish Papists," but merely "injurious to Government, and dangerous and detrimental to Irish Protestants, and repugnant to the general interests of the nation."[5] On no other grounds were they likely to gain a hearing.

It is a question, Jeffrey declared in his first article on the matter,[6] published after the "No Popery" victory of the Tories in 1807, of Expediency and Justice against Prejudice and Habit. Since the question of *advantage* is the one most likely to move, he leaves aside the nobler argument and sets himself to present the advantages that Catholic emancipation will bring with it to a nation in the crisis of a great war. Invasion is the danger to be feared, "the present and transcendent danger," and Ireland with its three millions of justly discontented subjects the likeliest point to be invaded. Three years later, when he returns to the subject after the great Parliamentary debate of 1810,[7] it is on similar grounds that he bases his case, once more deliberately

leaving aside the question of justice and of right. His articles in the *Edinburgh*, taken up as they so largely are with an amazingly informed refutation of current anti-Catholic calumny, are incidentally good testimony to the poverty of thought in the case against Emancipation.

Sydney Smith was, with Jeffrey and Brougham, the founder of the *Review*, and he was its first editor. From that date to the passing of the Act of 1829 he was perhaps the cause's most powerful advocate outside Parliament and more than anyone else educated by his writings the educated public of his day in the merits of the question. Not that he in any way sympathised with the religion whose adherents he did so much to set free. No man of all that generation was more innocent of such sympathy than the writer who could speak, and he often did so, of the Catholic religion as contributing largely "to the backwardness and barbarism of Ireland." In describing "its debasing superstitions, childish ceremonies, and the profound submission to the priesthood which it teaches," and in his notion that these "all tend to darken men's minds, to impede the progress of knowledge and enquiry," and to prevent Ireland from becoming as free, as powerful and as rich as the sister kingdom, Sydney Smith is the true product of his age.

He had, however, what never wholly deserted the Whigs, even in this darkest hour of civil and political liberty, a love of political justice and an apostolic hatred of oppression and inhumanity. The Catholic claims should be urged regularly, vigorously, since "it is folly to talk of any other *ultimatum* in Government than perfect justice to the fair claims of the subject."[8] But though "the Catholics want justice, we do not mean to be just, and the most specious method of refusal is to have it believed that they are refused from their own folly, and not from our fault."[9] Like Jeffrey, he is, as a practical propagandist, driven, from the nature of the opposition, to argue from expediency, from fear, from the political circumstances of the moment rather than from considerations of abstract justice, and much of his energy necessarily is devoted to laying bare this "most specious method of refusal." "If I say give this people what they ask because it is

just, do you think I should get ten people to listen to me? Would not the lesser of the two Jenkinsons be the first to treat me with contempt? The only true way to make the mass of mankind see the beauty of justice is by showing them in pretty plain terms the consequences of injustice."[10]

He hates oppression, and if he is sufficiently liberal to see in the absentee landlord a first cause of Irish misery and unrest, he has the unusual courage to list as examples of the type the three greatest magnates of his own party, the Duke of Devonshire, the Marquess of Lansdowne and Earl Fitzwilliam. How deeply oppression could move him, and to what power of bitter satire, many passages show. Thus, in *Peter Plymley*,[11] he turns to the terror of coercion, by this time (1809) the established system of government in Ireland. "I cannot describe the horror and disgust which I felt at hearing Mr. Perceval call upon the then ministry for measures of vigour in Ireland. If I lived at Hampstead upon stewed meats and claret; if I walked to church every Sunday before eleven young gentlemen of my own begetting, with their faces washed, and their hair pleasingly combed; if the Almighty had blessed me with every earthly comfort—how awfully would I pause before I sent forth flame and the sword over the cabins of the poor, brave, generous, open-hearted peasants of Ireland! How easy it is to shed human blood—how easy it is to persuade ourselves that it is our duty to do so—and that the decision has cost us a severe struggle—how much in all ages have wounds and shrieks and tears been the cheap and vulgar resources of the rulers of mankind—how difficult and how noble it is to govern in kindness and to found an empire upon the everlasting basis of justice and affection!—But what do men call vigour? To let loose hussars and to bring up artillery, to govern with lighted matches, and to cut, and push, and prime—I call this, not vigour, but the sloth of cruelty and ignorance. The vigour I love consists in finding out wherein subjects are aggrieved, in relieving them, in studying the temper and genius of a people, in consulting their prejudices, in selecting proper persons to lead and manage them, in the laborious, watchful, and difficult task of increasing public happiness by allaying each particular discontent. In this way

Hoche pacified La Vendée—and in this way only will Ireland ever be subdued. But this, in the eyes of Mr. Perceval, is imbecility and meanness: houses are not broken open—women are not insulted—the people seem all to be happy; they are not rode over by horses, and cut by whips. Do you call this vigour? Is this government?"

But his argument against the opposition takes a score of forms and in a hundred salted similes he urges the argument of common sense and practical policy. "To suppose that any nation can go on, in the midst of foreign wars, denying common justice to seven millions of men, in the heart of the empire, awakened to their situation and watching for the critical moment of redress, does, I confess, appear to me to be the height of extravagance."[12] Or he argues the case "with a regular Tory Lord, whose members vote steadily against the Catholic Question." "I wonder that mere fear does not make you give up the Catholic Question! Do you mean to put this fine place in danger—the venison—the pictures—the pheasants—the cellars—the hot-house and the grapery? Should you like to see six or seven thousand French or Americans landed in Ireland, and aided by a universal insurrection of the Catholics? Is it worth your while to run the risk of their success? What evil from the possible encroachment of Catholics, by civil exertions, can equal the danger of such a position as this? How can a man of your carriages, and horses, and hounds, think of putting your high fortune in such a predicament, and crying out, like a schoolboy or a chaplain, 'Oh, we shall beat them! we shall put the rascals down!' No Popery, I admit to your Lordship, is a very convenient cry at an election, and has answered your end; but do not push the matter too far: to bring on civil war for No Popery, is a very foolish proceeding in a man who has two courses and a remove! As you value your sideboard of plate, your broad riband, your pier glasses—if obsequious domestics and large rooms are dear to you—if you love ease and flattery, titles and coats of arms—if the labour of the French cook, the dedication of the expecting poet, can move you—if you hope for a long life of side-dishes—if you are not insensible to the periodical arrival of the turtle fleets—emancipate the Catholics! Do

it for your ease, do it for your indolence, do it for your safety—emancipate and eat, emancipate and drink, emancipate and preserve the rent-roll, and the family estate.[13]

Should a foreign influence once be fairly established in Ireland, how many hours longer would the Irish Church, how many months would the English Church live after such an event? "How much is any English title worth after such an event—any English family—any English estate? We are astonished that the brains of rich Englishmen do not fall down into their bellies in talking of the Catholic question—that they do not reason through the cardia and the pylorus—that all the organs of digestion do not become intellectual. The descendants of the proudest noblemen in England may become beggars in a foreign land from this disgraceful nonsense of the Catholic question—fit only for the ancient females of a market town."[14]

It is the forceful honesty that comes of principle that gives to his realist criticism of the opposition much of its force. "How melancholy to reflect that there would still be some chance of saving England from the general wreck of empires, but that it may not be saved, because one politician will lose two thousand a year by it, and another three thousand—a third a place in reversion, and a fourth a pension for his aunt!"[15] "You are of a mature period in life, when the opinions of an honest man ought to be and are fixed. On Monday you were a barrister or a country clergyman, a serious and temperate friend to religious liberty and Catholic emancipation. In a few weeks from this time you are a bishop or a dean, or a judge—publishing and speaking charges and sermons against the poor Catholics, and explaining away this sale of your soul by every species of falsehood, shabbiness, and equivocation."[16]

He can laugh away the stupidity of the bigots, "the senseless clamour which has been carefully handed down from father fool to son fool," and "the common mode of arguing *á Gulielmo*. 'What did King William do? What would King William say?' or he can rally a meeting of country clergymen who are on the best of terms with all the Catholics they know but shrink fearfully from 'Catholics in general—the abstract Catholic,

the formidable, unknown Catholic, that is so apt to haunt our clerical meetings." To cant his wit is as merciless, the cant, for example, that deprecated all discussions of the Catholic Question lest, while he lived, it trouble the peace of mind of the hapless George the Third, or dead, insult his memory by the suggestion of royal blundering. "Of all human nonsense, it is surely the greatest to talk of respect to the late king—respect to the memory of the Duke of York—by not voting for the Catholic Question. Bad enough to burn widows when the husband dies—bad enough to burn horses, dogs, butlers and coachmen on the funeral pile of a Scythian warrior—but to offer up the happiness of seven millions of people to the memory of the dead is certainly the most insane sepulchral oblation of which history makes mention." [17]

For the best part of thirty years Sydney Smith fought heroically for unpopular causes against the darkness to which England was delivered, and for no cause more heroically than that of the unpopular Catholics. Letters to electors he wrote, articles in the *Edinburgh*: he made speeches at clerical meetings, where not infrequently he found himself in a minority of one, and above all he wrote the immortal letters of Peter Plymley "to my brother Abraham who lives in the country"—a classic satire whose wit is as sure of its effect to-day as when, with the Government breathing fire and slaughter against its anonymous author, it first appeared a hundred and twenty years ago. To no writer or speaker of the time are the emancipated Catholics more indebted than to this wholly disinterested Anglican parson, who gave to their unpopular cause the best of his talent and so very great a part of his life.

(*iv*)

One statesman of the time, however, there was who, throughout the whole of his life, risked the ridicule of overwhelming and persistent opposition by his loyal insistence on the ideal of religious freedom—Charles James Fox. He was Whig of the Whigs, from the very heart of the Ascendancy, akin by his mother to the great Whig Duke of Richmond, the son of a Whig politician of a career so base that it could sincerely shock even his colleagues. No man

knew better, or had more intimate experience of, the corruptions political and moral of the age than the child of this runaway marriage, whom nineteen found in Parliament, the "pert and brazen" member for a pocket borough.

Few men could in such a school have found a novitiate for the Liberal apostolate, but there was that in Fox that resisted even the long years of personal debauchery and libertinism, the character that forced even Horace Walpole to the admission, "I do not believe that he had one bad, black or base object." He survived the wretched influence of his degraded father, he survived the moral disasters of his youth and early manhood, and in the splendid tribunate of his last fifteen years gave to English politics their first experience of the Liberal. In that persistent loyalty to the Liberal idea, in the carelessness that threw away in its service every chance of a career and even the closest of friendships, there is nothing that is not wholly admirable. In the fidelity that braved the isolation, the anger and ridicule of that most reactionary time, and that braved it daily, year by year, as the ordinary task of life, there is something approaching the heroic.

That Fox should be the Catholics' advocate, and that he should urge their rights as rights, and in all these long debates courageously show himself the devoted servant of the ideal, is of a piece with all his life. Not from the merits of Dissenters, he boldly told the House of Commons, would he argue, "but on general principles." Government had no concern with religion as an oracle of divine truth, and if Fox was a "complete friend to religious establishment," it was "on the same ground that he was a friend to toleration. He thought it highly proper that a system of instruction for the improvement of morals should be provided for in every country." Religion should be distinct from civil government, kept separate from politics, its only link with Government, Government's interest in morality and good order. Public order, and not zeal for religious truth, is the justification and original reason of the State's religious establishment.[1]

The Establishment in the English State—and he notes in passing it is dual, "we have two true religions," Presbyterian in

Scotland, Anglican in England, so little does religious truth concern the State—he would certainly protect and maintain, but only so long as it is in harmony with the general sentiments of the people : "If the majority of the people of England should ever be for the abolition of the established Church, in such a case the abolition ought immediately to follow." The Establishment then is maintained on the principle "of its being agreeable to the opinions of the majority of the people and not, surely, upon the slightest pretence of infallibility. Are we infallible? Who, King, Lords or Commons? If not, why act as though we claimed to be?" The Establishment, then, has not for its persecution of Dissenters the excuse of knowing no better, which, quoting Gibbon, lessens the old Pagan religious tyrannies, nor the excuse of the Papist who believes that his religion alone is true. We are neither indifferent nor blindly attached to a particular faith, and, "For us there is no excuse. We know full well that religion was founded on a principle that should not, could not, be subjected to any human power."

The State has then no right to interfere with the religious beliefs of Dissenters on the ground that it has established one particular religion. Nor is it in better case when it sets out to justify its persecution of dissenting opinion on the general principle of its right to control opinion. Of such general right Fox will hear nothing—to Burke's claim of "an uncontrollable superintending power" he opposes his more Liberal notion that Government has no concern with opinion, until opinion matures in action. No man should be punished for mere opinion, religious or political—even though published, nor be disabled civilly, "but if he carried his detestable opinions into practice, the Law would then find a remedy." Actions not opinions are matter for punishment. This he considers the general tenor of English law, and rightly is the State's power limited to the control of action because "here alone is certainty." "Any man," even, "might avow his dislike of any civil institution, but as long as his opinion was not brought into action, there could be no criminality."

The Penal Laws against the Catholics—"a glaring exception" to the "general tenor of English Law"—lack all justification.

"The legislature ought not to have acted against [the Catholics], until by putting into practice the dangerous doctrines they were thought to entertain, they had rendered themselves obnoxious to the State. . . . Disability and punishment ought to have followed, but not to have anticipated, offence." There never, he considered—and he is certainly in opposition to the universal sentiment of his time—was any justification for the code, "nor would it have been adequate to the end proposed if there had been [occasion for it] . . . the most dangerous period, the reign of Elizabeth and James I, did not justify even one of the penal statutes that existed."

His analysis of the mentality of persecution is equally unusual in its honesty, and in its freedom from fashionable cant. "No human government has a right to enquire into private opinions, to presume that it knows them or to act on that presumption. Men are the best judges of the consequences of their own opinions, and how far they are likely to influence their actions, and it is most unnatural and tyrannical to say, 'As you think, so you must act. I will collect the evidence of your future conduct from what I know to be your opinions.' " "Persecution always said, 'I know the consequences of your opinions better than you know them yourselves,' " and proceeded to condemn its victim before any breach of the law had taken place, "ordaining by law that a man shall pursue that form of religion here, which, in his mind, is to insure his eternal damnation hereafter." It is then persecution, "to refuse to any man any civil right, or an equal participation of civil advantage, on account of his religious opinions," and toleration is not merely "a thing convenient and useful to the State, but a thing in itself essentially right and just."

Toleration derives from the "fundamental, unalienable rights of man," and though there may be some rights which the individual surrenders to secure the greater benefits and rights of a state of society, this right to his own religious beliefs and practices he cannot surrender, and no State can compel it, "no State ought to require it because it is not in the power of man to comply with the requisition." Religious tests as a condition for political office, or for the exercise of civil rights, are

illogical, are useless and are in the highest degree unseemly. "Whom does the test exclude? The irreligious man, the man of profligate principles, or the man of no principles at all? Quite the contrary; to such men the road to power is open; the test excludes only the man of tender conscience." And for its scandalous indecency he pictures the new office holder, the first convenient Sunday after his appointment, going to the parish church for that reception of the Holy Communion without which his appointment is void. "Is this man going to make his peace with Heaven, and to repent him of his sins? . . . No, he goes to the communion table, only because he has lately received the appointment of First Lord of the Treasury !"

Not for the mere worldly wisdom that is honest because it is the best policy, not for the easier government of a discontented and unhappy people, but to save the soul of the nation and to keep alive an ideal that had all but perished, did Fox lift up his voice, and in what a wilderness that great voice was lifted up the tiny minorities that supported him in Parliament are telling testimony.

## Chapter II

# THE PROBLEM OF THE GOVERNMENT OF IRELAND

### (*i*)

More important than any theory of religious freedom in its influence on the genesis of the Catholic Question in the British Isles, was the practical problem of the Government of Ireland, more particularly the problem of Irish Government as it presented itself to the English aristocracy in the closing years of the eighteenth century. The principle underlying their conduct of Irish affairs was simple enough—never more simply stated than by Pitt's Foreign Secretary in 1794, "Ireland must be governed in the English interest." [1]

The only Ireland the Revolution aristocracy knew was the English colony planted securely in 1692 on the basis of the last war of conquest and, like every colony of every nation of that age of mercantilism, to be governed in the interest of the mother country. Nowhere could the task have been easier. Three-quarters of the inhabitants were Catholics, and, as such, dispossessed, ruined, outlawed, of no importance socially or politically, so broken that for seventy years there is scarcely a sign of their corporate existence. With the Irish, English ministers in the first ninety years of the new rule had seldom need for more than passing concern. The problem of Irish Government through all these long years was the problem of exploiting the colony, without undue opposition from the colonists, and if at times the problem called for skilful handling, to such manipulation the colony's political institutions lent themselves quite unusually well.

There was a two chamber Parliament on the English model.

Its House of Lords was a small—and, as will be seen, an utterly insignificant body, whose lay members by 1751 had dwindled to twenty-eight, a body in which the bishops were for long the majority, and the bishops were generally nominees from England. With the beginnings of crisis half way through the century the House gained a new importance and the number of Irish peers began to increase by sale and bribery, slowly through the first twenty years, from 28 to 67, and, in the last twenty years of the century, by the same means and through like necessities of the Home Government, from sixty-seven incredibly to 207. "Formerly," wrote the Lord Lieutenant somewhat regretfully in 1789, "the education, the habits, the poverty of the lay peers depressed all idea of debate, and left the situation of the Lord Chancellor as much at ease as he could wish."

In the House of Commons the English Ministry's control was not quite so undisputed. But the House of Commons was controllable—eminently so. As finally settled in 1692 after the Revolutionary Victory, there were 300 members, two for each county, two for Trinity College, Dublin, and 234 for some 117 boroughs. These boroughs were entirely in the hands of the landed aristocracy. Thus the Ponsonbys directly and indirectly controlled twenty-two seats, the Beresfords as many, Lord Downshire as many again, and, out of the total 117 boroughs, eighty-seven, returning 174 members, were thus controlled outright by the local magnate. Like the system on which it was modelled, the Irish system too had its Gattons and Old Sarums. Bannow in Wexford, for example, and Harristown in Kildare were boroughs that returned each two members though neither could boast a single inhabitant.

The franchise qualification was much the same as in England—the county electors freeholders of at least forty shillings annual value, the borough electors voting on a medley of anomalies such as determined the borough voter's rights in England too. The member once elected sat for life or for the life of the King, whichever was shorter, for, until the Act of 1768, the Irish Parliament was only dissolved by the King's death. In the first seventy years of the system there were then only three general

elections, and the Parliament elected in 1727 sat for thirty-three years. For the greater part of the century—down to 1787, the Parliament only met every two years. Catholics were excluded from sitting by the English Act of 1692, and from voting at Parliamentary elections by a later act of George II.

But this Irish Parliament was not the sovereign power that Parliament was in England. By a system which went back to a fifteenth century Lord Deputy—Sir Edward Poyning—all its legislation was subject to the Privy Council—of Ireland in the first place, and finally of England, nominated bodies both of them. No bill, except those proposed by the administration, could pass into law until, after the usual formality of three readings, it was approved by the two Privy Councils. These bodies could finally suppress the Bill, or they could alter it, and, returned altered, the originating House could only accept or reject it. The Legislature, then, was wholly subordinated to the English ministry of the day, and the English ministry had for its Irish agents, to carry out its policies in the colony, the Lord Lieutenant and his Chief Secretary. All the great officers of State were nominated from London—often enough they were Englishmen, and not infrequently absentees to whom their appointments were but well-paid sinecures.

In England Executive and Legislature were interdependent. They could not have been more completely separated than they were in Ireland. There the only function of the Legislature was to give legal sanction to the will of the Executive, and the one great task before the successive Lord Lieutenants to maintain, with as little friction as possible, a majority in the Legislature favourable to the English Government. This, for the greater part of the century, they did through annual arrangements with the great borough owners. These wealthy colonials "undertook" to secure the English Government its majority in the House of Commons, and in return the English Government placed at their disposal the chief patronage and the most lucrative jobs the country had to offer. "Every successive Lord Lieutenant was obliged to make a new contract with the Junta in Ireland," a State paper prepared for the information of an English minister

tells us, "to carry through the ordinary business of the State," and the loyalty of these noblemen to an administration, their political consistency was simply enough, a matter of the price they could manage to extort.[2]

"As the session is now nearly closed," writes one viceroy,[3] "it is necessary to prepare for the payment of our engagements. Have the goodness to enquire by what title Lord Donegal would be created a Marquis, that I may send the recommendation for him and for Lord Drogheda as you agreed, when Hobart [the Chief Secretary] was in England, should be done at the close of the Session. Lord Welles, ever since Lord Northington [Viceroy a few years earlier] has been encouraged with the hope of a viscountcy. He was only to be pacified last year by a positive promise at the end of the Session . . ." Or, the rewards were of a more tangible sort, and with such promises, fulfilments and, alas, evasions, the score of volumes of viceregal correspondence are filled.

There were pensions in an ever increasing list that doubled itself in one ten years alone, and places—places all with good salaries and few of them with duties—and no acting Parliament excluded pensioners and place holders from a seat. Something between a third and a half of the members of Parliament were in receipt of these Government retainers. "A museum" this pension list, said Curran in the House of Commons, "A museum of curiosities that embraces every link in the human chain and every description of men, women and children, from the exalted excellence of a Hawke or a Rodney to the debased situation of the lady who humbleth herself that she may be exalted."[4]

A more serious dependence of the colony on the governing English aristocracy arose from the system of national finance. The Whig theory that revolted at the idea of a national revenue uncontrolled by Parliament failed to secure recognition in Ireland despite the Whig victory of 1688. There the hereditary revenue granted for ever in 1641, when Charles I surrendered the crown's right to the lands confiscated from the rebels, was still—independently of the control of the House of Commons—at the exclusive disposal of the Crown, since 1688 of the English

Aristocratic Executive. It was only over the supplementary revenue voted periodically to make good the deficit of the hereditary revenue, that the Irish Parliamentary could ever claim control. Moreover, in painful contrast to the liberties enunciated for England in the Bill of Rights, there was in the Colony a standing army of twelve thousand charged on this independent hereditary revenue, the judges held their office at the King's pleasure, and no act of Habeas Corpus stood between the citizen and an Executive's tyranny.

Ireland was a colony, helpless in the hands of its creator the English aristocracy, and like all colonies of the time, primarily a something to be exploited. England had planted the colony, and, ultimately, it was on English support that it depended for its continuance. It had been a costly investment and if the investor looked for a return it was only after the manner of all investors. If the Irish colony was to be a means to the greater prosperity of the mother country, if its trade and industry were so controlled that they did not injure by competition English trade and industry, but served them rather as a complement, it was simply one particular application of a Colonial theory universal to the time.

Cattle, in the seventeenth century, had been the country's main export to England and this trade laws of Charles II (1665-1680) ruined when they forbade, absolutely, all the exportation of "cattle, sheep and swine, beef and pork bacon, mutton, butter and cheese." Irish ships were debarred from English trade by the Navigation Acts of the same king, and the Revolution completed the damage by the Act of 1696 forbidding the direct shipment from Ireland to the Colonies of any goods whatever. There remained only the foreign trade whose most valuable item was the trade in the newly created woollen industry to which, in despair when the cattle trade was ruined, the country's capital had turned. It was the most thriving of all Irish industries, and its prospects the one promise of a future national prosperity in all that dreary time. An Act of 1698 put an end to the promise, prohibiting absolutely the export of Irish woollen manufactures, and thereby ruining some 40,000

families in a country whose inhabitants numbered barely 2,000,000. Only the poorest and roughest kinds of linen might be exported, while under the stress of regulations the trade in hemp disappeared altogether.[5]

The foreign trade went as the colonial trade had gone, and on Irish imports into England—the one customer the Law left the colony—heavy duties were imposed. The Irish Parliament was powerless to retaliate and protect Irish industry, and gradually there crept over the land steady and universal decay. In 1698 the port of Dublin could not boast a single ship, Belfast and Cork only a few small ones. There was not one first class ship in the whole kingdom. Two-thirds of the Irish carrying trade was by 1723 done in English ships, fifty years later the Irish third had shrunk to an eighth.[6] The land fell out of tillage, until the country did not raise enough corn for its own needs,[7] and all the time from the unhappy kingdom there flowed a steady tribute overseas to absentee masters in the shape of rents, salaries and pensions. In 1729 Sir John Prior reckoned it at £335,800 exclusive of pensioners and absentee office holders. Forty years later the estimate had increased to £540,200 and in 1779 to £732,000. The next four years almost doubled the figure and by 1797 it amounted to a million and a half. Hely Hutchinson, one of the most distinguished of the Government's professional supporters, reckoned the average of the total tribute to absentees, between the years 1768 and 1773, to be £1,100,000.[8] The dispirited colonists, where they could, emigrated—steadily, to the colonies in North America, to the plantations in the West Indies, 200,000 of them by 1750, and thus to the loss of Catholics who fled from the degradation of the penal laws was added this loss from Protestants to whom equally life in England's Irish colony meant beggary.

Of all the colonies, this Irish colony suffered perhaps the most. In the American colonies the Assemblies—trade regulation apart—were independent of the English Parliament. They were free to export all they produced with some exceptions, while in Ireland it was the staple commodity that fell under the prohibition. Then, too, these colonies enjoyed a preference in the Eng-

lish market that, in the case of Ireland, was denied to all but the poorest of its linen. Finally the colonies were free to trade with one another and Irish trade was restricted to England. "Ireland had all the disadvantages of both a colony and a foreign country, without the advantages of either."[9] Under the unnatural stress thereby produced the English colonists in Ireland, Irish to the English while they yet remained English to the Irish, developed a national feeling peculiarly their own that, in the end, cut sharply across the direction English political life had taken in 1688 and broke up for ever its great simplicities.

It was in the second generation after the settlement of 1692 that this Colonial patriotism first showed itself, and revealed to the English ministers the new—colonial—phase of the problem of Irish government. The occasion of this first violent, if superficial outburst was an unusually dirty Government job—the execution of a patent to coin money for Ireland granted to one of the king's mistresses. Swift's masterpiece of pamphleteering fanned popular feeling until Walpole, alarmed, characteristically withdrew—then, as suddenly as it had been roused, popular interest in political matters fell back into the old stagnation for yet another thirty years.

The Parliament had meanwhile in 1719 seen its House of Lords deprived of its power as a Court of Final Appeal, and had submitted to an English Act declaring the right of the English Parliament to legislate directly for the colony. Now in 1753 at the end of a bitter two years' controversy it was forced to acknowledge the claim of the English aristocracy to dispose—in the name of the Crown—without consent or consultation, of Ireland's surplus revenue. Ten years later a chance of final triumph over what little power of resistance seemed left in the colony, seemed to offer, when, in 1764, death removed the two leading "Undertakers," the Earl of Shannon and Stone, the Archbishop of Armagh, whose activities had long harassed successive viceroys.

The fight began with the nomination as viceroy of the fourth Viscount Townsend, nominated expressly to break the system which he himself later described as "the annual bargain which

[the English] Government is at present under the sad necessity of making with ungrateful servants and prostitute opponents."[10] The story of his stormy five years' viceroyalty (1767-72) is interesting reading. The quarrel is not in any sense a quarrel of nationalities, but is a simple fight for control of the colony between the English aristocracy governing in London and the equally English aristocracy planted in the colony. The Irish do not enter into it at all. It is a struggle between England and her colonists, and it is perhaps more than mere coincidence that the ministry that despatched Townsend to break the ring of noble jobbers that was always a possible obstacle to the smooth working of their Irish plans, was the ministry that roused the American colonies by the Declaratory Act of 1767. The text of that Act is word for word that of the Act of 1719 for Ireland; and Charles Townsend the author of that Act and the prime mover in the American policy was the new viceroy's younger brother. Lord Townsend arrived in Dublin in the October of 1767 to establish the new system. He brought with him a promise of reforms in the shape of a Habeas Corpus Act, of a bill to free the judiciary from its servitude to the Executive, and a bill to limit the duration of Parliament. In return an increase in the standing army was to be asked. It was round this last—the Augmentation Bill—that the fight with the Undertakers was waged.

Townsend began by refusing their terms, and an attempt was made to outvote him in the House of Commons by a more direct influencing of the county gentlemen, the less powerful borough patrons. It was at first unsuccessful and Townsend was defeated by a majority of four. The Octennial Bill, limiting the duration of Parliaments to eight years, had meanwhile become law, Parliament was dissolved and the viceroy employed the year and a half that lay between the dissolution and the new Parliament's meeting, in extensive and costly negotiations. As an earnest of favours to come, and to prove the superiority of viceregal jobbery over the ancient indirect management, four peers were advanced a step in the peerage, four new peers created, three baronets and four privy councillors. The new

Parliament met in the October of 1769 and Townsend despite his "negotiations" was forced to accept a strong protest against English interference in money bills before he saw passed his Augmentation Bill. This safe, he struck, ordered a protest against the protesting resolution to be entered on the journal of both Houses, prorogued Parliament, and dismissed the junta of Undertakers from their well-paid offices. Parliament did not meet for another fourteen months (Dec. 26th, 1769—Feb. 26th, 1771), and the interval was used by the viceroy to secure a majority proof against all political chance. Once more a lavish creation of peerages and offices, pensions and promises scattered on all sides, and at the re-opening the viceroy had the satisfaction of seeing the Address carried by a majority of twenty-five. It was afterwards admitted in the House of Commons that to carry it had cost half a million of public money.

A year later Townsend was recalled.[11] He had broken the Undertakers and henceforward to "manage" the borough owners would be the work of the English ministers in Dublin, the Lord Lieutenant and his Secretary. Townsend had shown how the thing could be done and, from now on, the English aristocracy maintains its hold on the Parliamentary machinery of the exploitable colony, but in a series of conflicts where victory is bought by corruption and where the price is ever mounting. For the real condition of political power, the control of the boroughs, remains in the hold of possible opponents and the English Supremacy in the Parliament is thereby perpetually unstable. No question is solved until it provokes a crisis, no crisis negotiated without the ever increasing bribes, and the greatest of all these Parliamentary scandals—the passing of the Act of Union in 1799-1800—is simply a last typical piece of Parliamentary practice. Bribery apart, England was as little sure of the Irish Parliament in 1780 as in 1700, and, because in this particular there was no change, had no more to fear from the Parliament after 1782 than before. The only possible danger to the anomalous English control was real Parliamentary independence based on a wholesale reform of the electoral system.

(*ii*)

If when Lord Townsend left Ireland he was intensely unpopular, he was at least successful. He had broken the ring of colonial aristocrats at the mercy of whose co-operation English Government had for so long been. More easily henceforward than in any time past did it seem that Ireland would be governed in the interest of England: when, within only a few years of the defeat of the Undertakers, England's trouble with her American colonies came to a head, and as one result of the long war, in the Irish colony too, the political crisis once more swelled suddenly to the full. There was too great a similarity between their grievances for the events in America not to have repercussions in Ireland, and throughout the long debate that preceded the war there were never wanting in Ireland minds acute enough to emphasise the similarity. A determination to be rid of the interference from the English Parliament, the claim to be free from its taxing power, discontent with the restraints on colonial trade enacted for the benefit of English trade by the English Parliament—these had been the commonplaces of critical minds in the Irish colony since the time of William III. In the North especially, among the Presbyterians restricted in their civic right and seriously hampered by the English trade policy, sympathy with America was strong. But the rising discontent did not show itself in any tendency to secession. Rather it found its opportunity in the colonists' loyalty to the English connexion.

Crisis came with the entry of France into the war in 1778. The Fleet was away and the coasts defenceless. The Irish army colonial loyalty had gladly voted for service abroad. The Treasury was empty, public bankruptcy threatening and the creation of a militia impossible if for that reason alone. Civil list and pension list had each of them doubled in the last twenty years, the national debt of over a million created in that same period was steadily increasing, and expenditure in 1779 was £240,000 in excess of income.

Moreover a three years' embargo on the export of provisions, ostensibly to prevent Irish provisions passing to the revolted

colonies, came near to annihilating the country's last source of wealth. How powerfully the embargo contributed to the new anti-English movement is shown by the long time that the hostility it provoked remained in the memories of those responsible for it.

Fourteen years later it is recalled for Lord Grenville's instruction in a State paper : "It is not easy to conceive the ruin and misery which was brought upon Ireland by an Act of power which suspended at once, and for so long a period as three years, the sole dependence of the South and West provinces. No people ever experienced a more cruel and general distress . . . *It was this, and this only* which made the whole nation, who had submitted so tamely for a century . . . determine at once to throw off the yoke under which they were actually perishing." [1]

Parliament was in recess, not due to meet until the October of 1779, and the Government, hypnotised by the knowledge of its own incompetence, dared not summon it beforehand. The country lay open to any chance foreign invasion. Its one security was the energy of the colonists who, alone able to act, as by a national instinct spontaneously in every part of Ireland raised a score of associations for national defence while the Government looked on in impotent dismay. When the Parliament of 1779 met there were, to reinforce the critics of the administration, forty thousand volunteers armed and drilling. The war was going badly. Spain had joined France, the ministry in London was only kept in office by the king's refusal to let it resign, and, in a brief four weeks, the resolutions of the Irish House of Commons that called unanimously for the abolition of all commercial restraints were assented to at Westminster also. England, with defeat in the American colonies staring her in the face, had made her first surrender to the colony in Ireland.

The effect in Ireland was extraordinary. The viceroy noted the presence of "a spirit unknown before. At this time the attention of the whole nation is fixed upon Parliamentary proceedings," [2] and the successful colonists set themselves to extort from English necessity a declaration of their Parliament's legislative independence. The local associations for national defence

combined in a single army of volunteers, and as the ally of the party of reform entered political life to be immediately its chief force. Against it all the usual machinery of jobbery was brought into action, promises of peerages and distinctions, of places and pensions lavished until the viceroy could count on a vote of 154 in the House of 300. Week by week for two whole years the struggle went on, the Government's strength in the House of Commons increasing thanks to its limitless resources, the opposition in the country growing ever more general and more bitter, the Volunteers reaping its fruits in a host of recruits, so that by the end of 1781 they were estimated to number 80,000. Declarations of Independence were moved in the House of Commons and rejected by the Government majority. The Volunteers set a new precedent by repudiating, in a great representative convention at Dungannon, the Parliament's claim to be national, and the whole colonial system seemed on the verge of collapse. "Not a jury in the Kingdom would find a verdict under a British Act," the viceroy privately warned the Home Government, and "I cannot expect the friends of Administration—under the universal eagerness which has taken place through the Kingdom to have this claim decided—to sacrifice for ever their weight among their countrymen by a resistance which would possibly lead to serious consequences."[3] This was in a letter asking instructions for the crisis that threatened when in another short fourteen days Grattan—the soul of the opposition—was to move, in the House of Commons, a third Declaration of Legislative Independence.

The end was already in sight. No English administration could long have delayed it, the class in whose hands lay the actual administration of the English rule were in favour of it, but before the appointed day Lord North's inglorious ministry was no more. He resigned on the 20th of March, 1782, and it was with a pro-American Whig Ministry in power at London that Grattan on April 16th, in a dramatic scene that was a spontaneous recognition of new nationality, moved his Declaration and the House assented unanimously. "Nothing will restore quiet except concession," wrote the new viceroy, the Duke of

Portland. "It is no longer the Parliament of Ireland that is to be managed or attended to. It is the whole of this country," and he warned the new Government of the effect in Ireland of the American disaster "having so recent an example of the fatal consequences of coercive matters before you, they are in no fear that Great Britain will attempt a second experiment of the same sort."[4] The English Government gave way "largely and handsomely" as Portland advised, and in a series of Acts the different Statutes that fettered the free action of the Irish Parliament were repealed. The mutiny Act was limited, the right of final judicature restored and the judges given the same security as in England.

The colonists had won a second victory. It was, however, to be their last. The colonial question for Ireland was by no means at an end, and before it could be ended the colonists must defeat the power of the English aristocracy in the new constitution. This new struggle, however, had scarcely begun before there appeared to confuse it two unlooked-for complications, modern democracy bred of revolutionary France and the disappointment that illusory victory brings, and the reappearance, after a century, as from a long forgotten grave, of the ancient Irish nation.

How empty and illusory was the victory of 1782 from the point of view of those who wished an Ireland governed in its own interest, the history of the next ten years shows very clearly. The governing aristocracy clung to their old colonial ideal, and they still controlled to enforce it, controlled absolutely and independently of the now independent Parliament, the whole executive machinery. The Lord Lieutenant, the Chief Secretary and all that vast complex that a later age knew compendiously as "the Castle," were nominated from London, and maintained in office according to the needs of English political change, their power in no way deriving from or dependent on or controllable by the Parliament in Dublin.

The concession of 1782 had been wrung by the chance coincidence of grave political crisis in London, of disastrous English defeat and the accidental strength of the Volunteers. It was in

no way due to a change of heart in the ruling aristocracy. Were they a Whig faction or were they Tories, was North the minister or Shelburne, the object was the same: Ireland governed by the English in the interest of England. "Poignantly" and only "with extreme reluctance" had Portland advised concession,[5] and in the same spirit he set himself immediately to regain what had been lost. So long as the Parliament lay, unreformed, in the hands of a ring of borough owners, and the Executive, irresponsible to Parliament, still controlled the vast patronage, there was every chance that by the old tactics the English ministry of the day could nullify, whenever it chose, the generosity of 1782. The legislative independence of Parliament could never be a guarantee against subordination of national to English interests, while 124 members of the House of Commons were nominated by some fifty-three peers and another ninety-one by fifty-two commoners and it was to reforming Parliament that the political energy of the country now turned. It was disastrously unsuccessful, and in the *débâcle* of failure the Volunteers disappeared from the national life. The new freedom of trade, the gradual relaxation of the social code against the Catholics, were the beginnings of a time of singular peace and prosperity, quiet and uneventful years in which—unconsciously cynical commentary on the anomalous constitution—"the House of Commons gave the Government little or no trouble."[6]

A small and talented group in permanent opposition to the corruption that was now the everyday practice of governments, kept a memory of the spirit of 1779, criticising and opposing with ineffective eloquence the numerous pension bills and government jobs, and, by its formation of the Whig Club in 1789, promising the beginnings of an organised constitutional opposition. The greatest menace to the system was the abyss between the spirit of the oligarchy hired by the Home Government to outvote the Reformers, and the great mass of opinion that lay outside, a mass of opinion hostile to the oligarchy, hating its corruption, unrepresented and uncontrolled.

Crisis was certain, the events in France in 1789 and 1790 merely hastened what had long been inevitable, and political

crisis returned to Ireland when the system of corruption was at its worst and the administration in the hands of a clique fanatically opposed to all change or reform. "It is no longer the Parliament of Ireland that is to be attended to," the Viceroy had written on the eve of legislative independence. "It is the whole of the country." It was Ireland's misfortune ten years later that the English aristocracy had to choose between the Parliament and the whole of the country, and that choosing the Parliament they handed over the whole of the country to the oligarchy they had so successfully debased, and maintained it in power for the whole of the next generation. That same selfish indifference to the welfare of their colonists that had driven them steadily from Ireland all through the century, that had so recently lost to the Crown the thirteen colonies of North America, was now to drive a younger generation of Irish colonists into the ways of revolution. The successors of the loyal Protestant Volunteers of 1779 were the Protestant United Irishmen of 1791.

(*iii*)

The prospects of English rule in Ireland were then already critical when in 1789 the great changes in France came to give to one section of the country opportunity, and to the Government of the day every justification for an even more rigid adherence to its system. It was among the Presbyterians of Ulster that in Ireland the events of 1789 found quickest response. The long account of commercial misrule that they could place to the debit of the country that had planted them in Ireland, the legal inferiority and social disabilities associated, thanks to the Ascendancy, with the irreligion, that very religion's democratic, nay republican, character, and intense disappointment due to the collapse of the parliamentary reform movement, made these one-time volunteers for national defence the most willing of recruits to revolutionary propaganda. As early as 1784 a reform Petition from Belfast had described the House of Commons as the representative not of the nation but of mean and venal boroughs, and complained that "the price of a seat in Parlia-

ment is as well ascertained as that of the cattle in the fields." It went on to denounce this system that had lost its rights and invited the Crown to co-operate in a democratic plan to restore the Constitution on a pure and permanent basis. Belfast—where this Petition[1] originated—had been for many years, and all through this last quarter of the eighteenth century continued to be, the centre of this democratic disaffection. The anniversary of the fall of the Bastille was celebrated there with parades of what remained of the Volunteers, and all the usual ritual of banquets and democratic toasts. And it was from Belfast that this new spirit received its first organisation when in 1791 Theobald Wolfe Tone, a young Presbyterian lawyer, founded the Society of United Irishmen.

The leaders of the new organisation were all of them Protestants at least in name, many of them freethinkers, all of them passionately attached to the cause of reformed government; and because it seemed to them an essential condition of the national unity without which reform could not be permanent, nor truly democratic, attached no less passionately to the cause of Catholic emancipation. The society, at first, was much like the many other democratic clubs which were throughout the British Isles the natural reflection of events in France. Not all of its members were republican, not all of them had the same ideas as to the practical means by which the ideals of the movement were to be realised. Membership was open to all, Catholics were welcome and joined in great numbers. All members bound themselves by a pledge—not of secrecy as yet, nor by oath—to be loyal to the aims of the society, "to obtain an impartial and adequate representation of the Irish nation in Parliament" and, to that end, to work for a brotherhood of affection among Irishmen of all religious persuasions. The society was really a close federation of scores of small societies, and its supreme government a secret committee in Belfast.

Passionately as some of the leaders already hated the English connexion, and devoted as they were to the idea that the democracy at which they aimed was not possible outside a republic, the later seditious tendencies were personal to themselves, and

the movement as yet had nothing of disloyalty in it. Catholics were among its members, the further relief of Catholics from civil disabilities was one of its chief aims, but as yet it was not united with the Catholic movement, and though Tone, its founder, became soon afterwards the secretary to the Catholic Committee, it was not until much later in these critical years that the movement really absorbed any of the contemporary Catholic societies.

For the moment it served the purpose of popularising, in a *milieu* where such propaganda from the beginning won sympathy, the democratic doctrines of the French Revolution, of educating to political action thousands entirely ignorant of its ways, and it supplied to the coming national disaffection its first framework of organisation. Thanks to the United Irishmen, the Irish people first ceased to be an incoherent mass of oppressed slaves.

Irish history in this first century after 1688 is the history of a colony, and it is as colonial history that it is the story of an ever recurring problem for the Home Government. Towards the end of that century, when the rigours of the social outlawry laid by the colonists on the native Irish were gradually lessened, that English government's problem became more intricate than ever. For the natives, as the outlawry slowly lifted, were discovered to have survived, as a nation and as a faith, possessed of a power of recovery such as wholly to change within a generation the whole nature of the laden Government's Irish problems.

All through the early eighteenth century the fiction of the non-existence of the Catholic majority had been strenuously maintained. "Know and take it once for all"—it is Burke who, bitterly satirical, summarises the attitude of the victors—"that it is and ever has been and ever will be a fundamental maxim in our politics, that you are not to have any part, or shadow, or name of interest whatever in our State. That we look upon you as under an irreversible outlawry from our constitution—as perpetual and unalliable aliens."[2] And yet, to quote Burke once more, after almost a century of persecution Ireland yet remained, if full of penalties, full of Papists also.

The active persecution in matters relating to Catholic worship had, in fact, slowly died down. In a country where so overwhelming a majority remained faithful to the old religion, and where the settlers were but isolated units, it was never possible to execute the code in all its literal rigour. And though priest hunters were by no means unknown and though at times they harassed a whole district and flourished on the blackmail they levied, the fate that overtook more than one of them was too healthy a deterrent for the profession to become as general as, from the wealth of opportunity, might have seemed likely. But the social laws enacted were carried out with only too much success; and gradually a state of society wholly anomalous grew into a kind of second nature. Under its cruel stress many of the best of the Catholics steadily sought life and fortune in Catholic countries beyond the seas and rose to eminence in the service of foreign kings in their armies, in their administrative services. Others, less happily, apostatised and, reaping the harvest that law and the Ascendancy's gratitude promised to apostasy, became the bitterest foes of the miserable people they had deserted.

But exiles and apostates were of course a small minority. The mass of the Catholics struggled on, the helots of the new social systems, living, the nineteen-twentieths of them, in a state of chronic misery that would be incredible, had we not for the fact of it, the universal witness of every class of observer. It was an English Viceroy—Chesterfield—who, in 1745, declared them "used worse than negroes," and Arthur Young a generation later found the best of these poor farmers worse fed, worse dressed, and worse lodged than the meanest English cottager.

Most of these Catholic farmers were "cottiers" holding, by a system peculiar to Ireland, tiny farms of an acre or so, at a rack rent which they worked out in labour for the landlord reckoned at a sweating wage of fourpence or fivepence a day. "I do not believe," says the writer of the State Paper of 1792 already quoted, "any person who has not been conversant with the interior of the country can conceive under what a variety of oppression they are crushed—the great renter of land, whose

farm comprehends the extent of one and often two or three English parishes, admits just as many families of cottagers to reside upon his land as may supply the labour he has occasion for, and no more. However they may be oppressed, there they must remain. Other farms are already supplied, and they can find neither labour nor room."[3] He speaks of the nominal wage of fivepence or sixpence a day out of which the cottier "must pay a high rent for his cottage and potato garden, and all the articles of necessary consumption which he cannot be supplied with from thence, he must take from his master. The Hearth Tax of two shillings annually it may very well be doubted whether it is not a greater sum than he can at any time spare."

Under the influence of a system that, for example, tithed only the land under cultivation, most of the great estates were let to pasture, and the scarcity of a bad harvest came to have all the effects of famine. Famine after famine did in truth sweep over the desolate land—five of greater or less degree are reckoned between 1727 and 1770. The greatest of these was the truly awful calamity of 1740-1 which, "though it has hardly left a trace in history, and hardly excited any attention in England, was one of the most fearful upon record."[4] Contemporaries describe in detail the all too familiar horrors, the dead and the dying on every roadside, "mankind the colour of the docks and nettles they eat." In Munster one-third of the cottiers were swept away by the famine or the terrible fever that followed it. Whole villages disappeared and the total number of victims in this country that had scarcely 2,000,000 inhabitants all told, was placed as high as 400,000.

Brooke in his *Tryal of the Roman Catholics* is another contemporary witness to the brutalising conditions under which the cottiers lived: "four-fifths of the Irish Papists taste not bread but as a dainty. Their habitation is no other than that of a few sods reared, one upon the other, in the space of a few hours; and happy is that family who has the milk of a single cow to kitchen a frugal parcel of sodden potatoes."[5] Lecky can hardly exaggerate when with the picture of this underfed, unhoused, barefooted, half-naked population before him he declares nineteen-twen-

tieths of the Catholics too utterly wretched to be affected by disabling laws or to be interested in political questions. The best of their natural leaders were in exile—the remnants of the gentry who remained were as broken in spirit as their miserable tenantry. Inevitably the universal misery reacted on character, and Burke's correspondence contains more than one picture of the abject servility which became second nature to these poor wretched people. This skulking hang-dog appearance, and the cringing instinct that went with it, inevitable product of the ingeniously cruel law that made every colonist a possible and irresponsible tyrant, was one of the chief difficulties that Catholic leaders—when leaders finally came to them—had to overcome. "In times to come," declared O'Connell, "people will not give me due credit for the winning of Catholic Emancipation, for it will not enter into the mind of man to conceive of what a race of slaves I had to endeavour to make men."[6]

"The Law does not suppose any such person to exist as an Irish Roman Catholic," said the Lord Chancellor in 1759, "except for repression and punishment." The impossibility of wholesale massacre had saved the race from extinction, but in so narrow an escape it can surprise no one that it lost all but its inmost soul. When in the dawn of a better time the possibility of restoring to the Catholics their rights as citizens was first discussed there were not, it was stated on good authority, above 200 in the whole kingdom possessed of the necessary property qualification.[7] The Code had indeed achieved all its authors hoped, and slowly, before the helplessness of this race of serfs, the descendants of those who had enacted it could safely lessen its social oppression.

It was from the Home Government that the first sign of relaxation came, when in the Seven Years War military necessity led it to connive at the Viceroy's suggestion and recruit among the Catholics of Connacht for its marines. Three years later in 1762 the instructions to recruiting sergeants to exclude Catholics were silently suppressed, and Townsend even proposed that the Irish army should be recruited exclusively from Catholics, since in no other way could they be useful to the State without injury

to the Protestant Ascendancy.[8] The first slight repeals of civil and social disabilities were contemporaneous and there followed a rapid increase of Catholic wealth such that, when the critical last ten years of the century came, the support or opposition of the Catholics was to be one of the Government's main anxieties.

Not indeed that the Government was haunted by the memory of past Catholic disloyalty. In all the hundred years since the Boyne, Catholics in Ireland had been uniformly and consistently loyal to the *de facto* Government. With the flight of James II and the treaties that closed the war Jacobitism had disappeared for ever except as a theme for patriotic poetry, and even here it is their unhappy country much more than the exiled Stuarts that inspires the writers. The rebellions of 1715 and 1745 had no echo in Ireland—in 1745 indeed, so altogether dead was any political interest among the Catholic majority, the Irish Government was able to send the mass of its troops to help the Government in England. The successor of James II did, it is true, nominate the Catholic bishops, but when James III died in 1766 the Pope refused recognition to his son, and, for the first time since 1688, prayers were ordered for the *de facto* sovereign in all the Catholic chapels. Even as a sentiment Irish Jacobitism was no more. These Irish Catholics were loyal to the English Government and especially in its difficulties the loyalest of the loyal. At every crisis the Catholic bishops circularised their clergy with exhortations to loyalty, their nobility and gentry protested it in addresses to the throne, their merchants—the only men of wealth among them—offered liberally of what they had, and, in ever increasing numbers, these outcasts filled the ranks of the King's navy and army.

So it was in the Seven Years War, so—and more notably—in the disaster that twenty years later lost to the Crown its colonies in North America. To a people so long dispossessed of all political rights the constitutional question at issue must have been as remote as the politics of another planet. It was simply a war, and the King in difficulties, and without a thought they rallied to him and offered what support he would allow them to give. With the English Government, indeed, their relations were

always better than with the Parliament in Dublin. By comparison with the resident Ascendancy the Government in London might seem a protector, and though at this time it exercised no initiative on their behalf, it did accept and support warmly the initiative of others; and, as in the debates on the Relief Bill of 1778, it could intervene when nothing but its intervention could save the case from defeat.

This was in the early years of the crisis that produced the Volunteers. 1779 was one of the most agitated years Ireland has ever known, and if the sentiment of the newly quickened Catholicism was anywhere evident it was evident, once more, in demonstrations of enthusiastic loyalty. The danger of foreign invasion, with them as with the Protestants, provoked offers of money and, until the Government's embarrassment persuaded them to desist, the formation of companies for defence. Two years later a fresh invasion scare saw the same generous loyalty again evident, the Catholic merchants of Cork, for example, subscribing 12,000 guineas and offering to risk their whole fortunes.

In the last crisis of the century they showed the same spirit. Nowhere, in the Ireland of 1790, was there satisfaction with the system of government except perhaps in the clique in possession of office and patronage. Nowhere perhaps, as yet, was the widespread discontent associated with disaffection to the English connexion. Nowhere, certainly, in Ireland was there greater loyalty to the English connexion than among the Catholics.

## (*iv*)

The eighteenth century, it has been said, began with one revolution and ended with another. The Ireland that the first revolution had formed was, by the time the second revolution came to close the epoch, a greater problem than ever to the class that had called it into being. One hundred years after the English victory of 1691, Ireland was still a country seething with disdiscontent. The colonists first of all were discontented and mightily. They saw the achievement of 1782 made null and void by the systematic corruption of the Parliament—Ireland was still

governed in the interest of England, and England's instrument the paid majority in Ireland's parliament. This discontent found representation in the Parliament in patriots who remained true to the ideals of ten years before, Grattan and Parsons in the House of Commons, Charlemont in the House of Lords. It found able leaders too in the section of the colonial aristocracy whose power Townsend had broken in the five years of his lieutenancy, and who, since that time in opposition, found in the reform movement a new political importance—the great Ponsonby clan, relatives of the English Duke of Devonshire, and their kinsman Lord Shannon, the greatest borough-owner in Ireland. Thanks to this combination of patriotic ideals and disappointed ambition, the English Government had henceforth a permanent and strongly critical opposition.

There was discontent, a more radical discontent, among those who a few years before had been the rank and file of the Volunteers—the Presbyterian colonists of the north. It was a discontent to which the founding of the Whig Club in 1789, and the eloquence and statesmanship of Grattan promised little. The reformed Parliament to which these Ulster colonists looked was not merely the Parliament of the present system, the system's abuses checked, but a new democratic body truly representative of all the nation's free citizens, irrespective of social rank or religious belief. It was this hope that inspired the last of the Volunteer Conventions in 1784, and that was written into the Reform Bill of 1785 which the House of Commons rejected with such ignominy. From the moment of that rejection the men of 1782 began to look elsewhere than to the independent legislature for redress. The political ideals of the first French revolutionaries, and the events in France of 1789-1790, offered to their long standing discontent a gospel and a programme. "How long can the system last?" asked Pitt's chief lieutenant Henry Dundas in 1792.

It was indeed the Government's chief anxiety. That of itself it could not last long, was certain. In the whole country, among those whom it allowed to be politically capable, it found no support except from the placemen who owed to it their living. It

had by this time definitely lost the support of the Protestant colonists. What of the rest, the majority of the country's inhabitants, the native Catholics?

It is instructive, beside the almost universal discontent of the Protestant colonists, to note the attitude of these Catholics. Their restoration to social life was bound to affect the system's fate. Their new political importance was already recognised, and Pitt and Dundas only assented to the facts of the case when, agreeing to "the probability of the present system in Ireland continuing as long as the system of Popery . . . which once annihilated, put an end to the question," they identified the future of Ireland with the future of the Irish Catholics. Henceforth the problem of the Government of Ireland was the problem of the Catholic grievances, and the Irish disaffection being the Government's chief domestic weakness in forty years of foreign war and civil discontent, the question of Catholic grievances could not but become the leading question of the day.

In this moment when the question of Catholic grievances first rose above the political horizon, there was unhappily, from the social conditions of the Irish Catholics, sufficient likelihood of disaffection from them to make the Ascendancy leaders anxious. Suffering from the degradation inevitable under such social conditions, not indeed as Catholics nor even as the Irish people, but, much more naturally, as a wretched and much oppressed peasantry, this Catholic majority armed with political rights might easily become a powerful hindrance to English rule. There had been continued disturbances due to social causes all through this century of peace so profound in matters of nationality. Each generation, and each province, had seen in turn the social warfare of landlord and tenant in which the tenants by secret combination and organised crime sought to remedy the intolerable wrongs that Parliament only existed to legalise. Among the Catholic peasantry of the south there were the Whiteboys as among the Presbyterians of the north the Oakboys, and the Steelboys—spontaneous, locally organised bands avenging inhuman conditions of life by crimes as brutal and as inhuman.

One such agrarian conspiracy was destined to a more national importance—the Defenders, who, bred by the same kind of social evil and using the same methods, began to operate, about the year 1784, in the County Armagh. Though its members were Catholics its aims were no more religious than the aims of any of its many predecessors and contemporaries, and the dues of the Catholic clergy were as much the object of its complaint as the tithes of the absentee Protestant rector. It was Ireland's misfortune that Defenderism began in one of the spots, rare at this time, where religious intolerance was still active—an accidental circumstance that was to introduce a new bitterness, not into a local agrarian trouble merely, but into the whole spirit of national politics. But as yet whatever of this existed was purely local and accidental to the movement. Whatever the spirit of disorder, however high it rose among the Catholics, it was economic and social in its origin and directed against individual oppressors. Politically, in these first hours of unaccustomed freedom, the Catholics were loyal to servility, and while the cause of what was soon to be called their "Emancipation" moved slowly to the centre of political life, they changed not at all from their traditional attitude. Gratitude for their recent relief as for a favour, rather than the satisfaction that comes from the conquest of a right filled their minds. The main activity in the question of Catholic Relief was still where the initiative had been—among the aristocracy of the opposition faction, and, much more enthusiastically, among the Presbyterians who had been the Volunteers. To the leaders of this Catholic majority its political future was perhaps doubtful. Doubtful certainly to the Government was the direction in which the Catholic influence, the new Catholic wealth and social importance would be turned. Whether ultimately emancipated—given the full stature of citizenship in the parliamentary franchise and the right to sit in Parliament—or not, they were already evident as a coming power, and it would be their attitude, so it seemed, that would determine history in the next few years. Would they, either as patriots or in gratitude for the past goodwill, join with the Reformers against the system's traditional corruption, or

could the English Government make them its chief support to stave off for yet another generation the evil day of threatening change? These doubts the next ten years were speedily to resolve. The re-entry of the Irish into the history of Ireland was now inevitable, and with that re-entry the problem of Ireland enters on a new and, for the English Ascendancy, a much more difficult phase. Ireland was still to be governed "in the interest of England," but it was no longer the English colony that faced the English Government and its Dublin agents, but the Irish nation.

In those next ten years the English Government threw itself into the Continental war against revolutionary France, a war for long disastrous and for long seemingly hopeless. Domestic discontent and disaffection in Ireland could no longer be safely conjured with the words and passes of the old Parliamentary game. Decision at long last forced itself on the English Government, the decision and policy that, since they are to endure, spring from intelligent principle.

The danger of blundering in committing themselves to a definite policy, the old danger inseparable from the system, was known to the Ministry, and one of them has preserved the warning for a later generation's political education. "No degree of sagacity and firmness can save the Lord Lieutenant from being the tool or dupe of men whose interest it is to deceive or betray him"; men whose object it was "to embroil the Government and the people. It made them in some degree necessary to both parties, and secured them during the struggle the exclusive emoluments of office, and all the patronage of the State."[1] The dispassionate analysis of this English statesman lays bare the cause of much past trouble, and, one cannot doubt, the true cause of the misery that, sowing as he wrote, was in another six years to come to so terrible a harvest, when he finds nothing so imputable to the British ministry as "their rash confidence in the persons they employed, and their want of leisure or inclination to judge with their own eyes."[2]

"The persons they employed," once they took a decision in this crisis of Irish affairs, were not the Protestant reformers of

1779 and 1782, neither their aristocratic leaders nor, needless to say, the democratic Presbyterians of the north. The half-notion, toyed with for a moment, of alliance with the Catholic majority, was abandoned before it had been really considered and power over the whole vast complex given to what remained untouched by twenty years of change. To the very men whose political existence was bound up with the maintenance of national disunion, to the clique of jobbers and self-seekers in office at the moment, who, realising only too keenly the infamous origins of their wealth, were sworn to oppose, in its defence, whatever the time presented of generosity, of honesty, of honour—to these, in its most critical hour, was the government of Ireland made over. To rule the more easily, they would divide the nation, and to divide they wantonly provoked into new life, as it seemed to sink in a last sleep, the horror of religious intolerance.

They were men, said Burke who knew them all, steeped in a ferocious hatred of everything Catholic.[3] Their recorded utterance proves it only too well. The new nation resisted, and it is this conflict, between the new Ascendancy—militantly anti-Catholic—and the nation, that is the Irish problem of the next thirty years. The colonial problem has become the problem of Irish nationality. It is the Ireland of this new conflict in which is proposed and fought out the question of Catholic Emancipation. It is of importance to note that at the moment when the Catholic nation reappeared to complicate the already complex problem of governing Ireland "in the interest of England," nowhere in that Catholic nation—and the contrast with the Presbyterians is striking—is there any sign of disaffection with the English connexion.

## Chapter III

# THE ENGLISH CATHOLICS

The English Catholics, said Burke to the electors of Bristol in 1780, are "but a handful of people (enough to torment but not enough to fear), perhaps not so many, of both sexes and of all ages, as fifty thousand." What the sources of his information it is impossible now to say, but his figures are in such singular agreement with a work published that very year, that it is hard not to think he drew them from it. This was Joseph Berington's once famous *State and Behaviour of the English Catholics*. Berington was a secular priest, chaplain, at this time, to the Stapletons of Carlton, in Yorkshire, perhaps the ablest Catholic writer then living, and certainly one of the very few Catholics who found readers outside the handful of his own people. His *State and Behaviour* still remains our chief published source for the condition of Catholicism in England at the moment when the rigour of law was first lessened in its regard.

That moment was perhaps the darkest in its history. The Catholic Faith in England had all but disappeared ; it was at the end of a century of steady decline, and faced, apparently, an inevitable extinction. The steady pressure of the Penal Code—especially the daily severity of its social laws—often enforced even in the last years of the régime, and when not actually enforced always at a moment's notice enforceable, the wearing effect of a life where security was always at the mercy of a neighbour's chance malevolence, the inevitably increasing poverty as the fines or double taxes came round in their periodical regularity, a series of political disasters and a number of prominent apostasies, social ostracism, and, alas, domestic dissension in matters of Church discipline, bred of a century and a half of ecclesiastical anarchy—all these causes operating through two

hundred years and more had reduced the Catholics to a handful and had well-nigh broken their spirit for ever.

From the day when Elizabeth, for their unanimous opposition to the Acts that changed England's religion, deposed and imprisoned the English bishops, the organisation of the Church fell into chaos. All its machinery passed with its revenues into the hands of the newly-intruded Protestants and to those who conformed to the new scheme of things ; and the Catholics found themselves a private party in the State, without resources, without leaders and without any religious superior, free to act, nearer than the Pope in Rome. It was, and incredibly suddenly, a change from all the security of establishment to all the hazards and uncertainties of anarchy. In that anarchy the Catholics were slowly to disintegrate and to decay through the next hundred and twenty-five years—and given up in this fashion to all the inevitable strife of internal division, they had to preserve their unity of faith and meet the well-laid plans of Cecil and his successors.

The personal prestige of Cardinal Allen, his jurisdiction over individual priests as Cardinal Protector of the English mission, served for a time to rally universal obedience. When he died, in 1594, there was no one to take his place. From 1599 to 1621 members of the secular clergy governed as archpriests, with limited faculties, those who chose to acknowledge them, and in their place, from 1623, for a brief six years and under conditions little improved, a delegate of the Pope in bishop's orders—the first two Vicars-Apostolic. The second of these, a theologian of European fame in his day, retired to France in 1631; and, forbidden by Rome to return to England, where the threatened resurrection of episcopal authority had brought faction to the verge of schism, lived out the remaining twenty-four years of his long life as chaplain to an English convent in Paris. We may consider that the inscription on his tomb that tells how "false brethren" sold him to the government exaggerates; we may, for the credit of a generation that gave to the Church so many martyrs and confessors, hope that it is not quite true, but there seems little doubt that domestic faction was the Puritans' main

help in procuring his banishment from the King who had so willingly connived at his mission. With Richard Smith's departure and the Brief *Britannia* of Urban VIII the peace of anarchy undisturbed once more descended upon the Church of St. Augustine and St. Thomas.

The rivalry of the Catholic Powers abroad entered into this as into every other chance of increasing their influence at Rome and of ousting thereby some rival Power. The Spaniards and Imperialists took one side, the French supported another. The Thirty Years War was just entering that new, modern phase where the Roman Cardinal, Richelieu, who was France's chief minister, became the ally of the Protestant princes against the Catholic Emperor. In England the civil war destroyed, for a moment, the Stuart monarchy, and with it that hope of recovering England for the Faith through the conversion of the King, which had long blighted English Catholic life. Some of the English Catholics opened negotiations with Cromwell—one ingenious divine even succeeding in justifying morally his political achievement, and in sowing thereby the seeds of dissension yet more bitter.

The Commonwealth disappeared in the months that followed Oliver's death, and ten years later, in the midst of his preoccupations at Dover, Charles II found time to send through the Duchess of Orleans an urgent message to the Nuncio at Paris that unless a bishop were soon sent to govern what remained of Catholicism in England, it would perish of its own internal disorders. There followed the nomination of the Dominican, Thomas Howard, brother to the Duke of Norfolk and chaplain to the Queen. Yet once again politics intervened—this time the fury that passed the Test Act, and Howard's consecration was deferred. It was destined never to take place, but two years later he was created Cardinal, and in 1685 his influence brought the long delay to an end when his secretary, the one-time president of Douay College, John Leyburn, was consecrated at the Minerva and sent to England as Vicar-Apostolic.

Another three years, and James II in the last hour of his power induced the addition of three other bishops, and hence-

forth until 1840, as vicars of the Apostolic See, four bishops ruled in spirituals the Catholic Church in England. If their flocks were few, their territories were wide, the flock well scattered. The Northern District took in the country north of the Dee and the Humber; the Western District, Wales with Hereford and Monmouth and the counties of Cornwall, Devon and Dorset, Wiltshire, Somerset and Gloucestershire. The London District included the counties of Essex, Hertford, Middlesex, Bedford and Buckingham north of the Thames, and south of that river, Kent, Surrey, Sussex, Hampshire and Berkshire, plus the Channel Islands and—the English colonies in the West Indies and North America. The remaining ten counties of the Midlands and East Anglia were the jurisdiction of the Midland Vicar.

Berington gives as the total Catholic population in 1780 56,500. Twenty-five thousand of these are in the London District (all but five thousand in the capital itself), twenty thousand in the Northern District, eight thousand five hundred in the Midland District, and in the vast Western District an incredible three thousand. In most prominent towns in the south the Faith had practically died out, in many counties of the south and the west there was hardly a Catholic to be heard of. South of Lancashire, if we exclude London, there were not in the whole country seventeen thousand Catholics. They were served—this poor remnant—by three hundred and sixty-seven priests, secular and regular, of whom one hundred and ten belonged to the recently suppressed Society of Jesus. The total number of priests is rather less than half the number given by Gregorio Panzani in 1637—the first authoritative survey of the mission as a whole to be made after 1559. Then there were 794 priests, and the number of Catholics openly professing themselves such he reckoned as 150,000.[1a] He makes allowance, it must also be noted, for a large class of Catholics who live as Protestants to escape molestation, but who are known to be really Catholics. This class by 1780 had entirely disappeared.

In the towns the rare Catholic seems hardly ever to have been more than a small tradesman, though Burke has an astonish-

ing reference to the Catholics of England as "consisting mostly of our best manufacturers."[2] A list of Papists in the city of York in 1735 that has come down to us gives a few gentry, one surgeon and the rest tradesfolk and, more numerous than any, the very poor, porters and washerwomen.[3] It was just such tradesfolk, again, who lodged the priests who first took up residence in Liverpool in 1725. Professional men were naturally hardly ever met with under a régime that closed to Catholics the universities and the practice of the learned professions. An occasional doctor or surgeon educated in the universities abroad, a handful of conveyancers, absorbed the slight chance of professional distinction that the code left available. The main strength of the Church was the landed gentry and their Catholic retainers.

Berington gives a summary list of them—eight peers, nineteen baronets and a hundred and fifty landed gentry."[4] It is to these families, to their habitual sacrifices through generation after generation, that, under God, the preservation of the Catholic Faith among the English people is due. Whatever hope of continuity there was, whatever prospect for the future, lay in them and in their loyal willingness to sacrifice all for their faith as their fathers had done before them. Wherever the Mass was said during all this long time, outside a few embassy chapels in the capital and a score of back-alley Mass houses in other towns, it was in the domestic chapels of the Catholic gentry. And when such a family fell into extinction, or into the sadder fate of conformity, the Faith shrank immediately where till then it had, if not flourished, yet bravely survived.

How important, how vital the loyalty of these families, Berington's comment is proof—that the defections of the Earl of Surrey and Sir Thomas Gascoyne outweighed whatever advantages had been gained since 1688.[5]

Their homes then were the Church's shrines, the only centres of its work, their domestic chaplains its clergy. In the London District Bishop Challoner's visitation of 1741-3 records some sixty-three centres with resident clergy, and fifty-five at least of them are the seats of the Catholic gentry. In the North, a few years earlier, Bishop Williams has ninety-one such centres and seventy-

eight are the gentry's domestic chapels.[6] Lord Petre was responsible for five such stations in Essex, and it was for the like kind of service that Lord Teynham deserved to be called by Bishop Challoner "The chief support of religion in Kent." It was to the homes of the Catholic gentry that the religious vocations were chiefly due that filled the thirty or so religious houses abroad that the remnant of a Church managed to maintain through even this dreariest of times. It was on their shoulders, once more, that at the end of the century there fell the greater part of the burden of re-settling these convents in England when war and the Revolution drove them from the Continent. They gave to the Church a great proportion of its clergy, and in the eighteenth century most of its bishops. To catalogue the Vicars-Apostolic is to call the roll of the Catholic gentry—Leyburns, Withams and Gibsons from the north, Stonor and Hornyold in the Midlands, Giffard, Petre, Talbot and Howard.

Without the Catholic gentry, the Church of this eighteenth century would not have been, and reviewing the circumstances of the time, the popular prejudice, the ingrained self-effacement of ecclesiastical authority and its natural reluctance to do anything involving public action, it is hard to conceive how, without the initiative once more of the Catholic gentry, the movement towards a freer life could ever have begun. There is a passage in the brilliant pageant of Lord Macaulay's history that paints the Catholic gentleman of this penal time. "He was neither a fanatic nor a hypocrite. He was a Roman Catholic because his father and grandfather had been so ; and he held his hereditary faith sincerely but with little enthusiasm. In all other points he was a mere English squire, and if he differed from the neighbouring squires, differed from them in being somewhat more simple and clownish than they. The disabilities under which he lay had prevented his mind from expanding to the standard, moderate as that standard was, which the mind of the Protestant country gentlemen then ordinarily attained. Excluded, when a boy, from Eton and Winchester, when a youth, from Oxford and Cambridge, when a man, from Parliament or the bench of justice, he generally vegetated as quietly as the elms of the avenue

that led to his ancestral grange. His cornfields, his dairy and his cider press, his greyhounds, his fishing-rod and his gun, his ale and his tobacco occupied almost all his thoughts."

Like much of the great writer's imaginative reconstruction, this picture derives from his generous heart rather than from his instructed intelligence. The history of the forty years that followed the first Relief Acts of 1778, and the detail of the long controversies show an understanding of ideas, a talent for political action and an intelligent strength of character that to the squire "more simple and clownish" than his Protestant fellows would have been at all times impossible of attainment. The public action of these men, once action was permitted them, even where it was guided by mistaken principles and influenced by the traditions of an age that was passing rapidly away, testifies rather to the truth of another description written in the hour when they first returned to public life. "They associated little with the world. A certain sternness of temper was the natural effect of this retirement; some good, however, and that of no trifling consideration, was from thence derived. The estates of Catholics were in better condition ; they supported with more becoming liberality their indigent and oppressed neighbours ; and in the duties of religion they were greatly more sincere."[7]

The London Catholics were uniquely fortunate, in that diplomatic privilege saved, even through the worst times, the private chapels of the Catholic ambassadors always open to their use. These embassy chapels were built on a generous scale, and the ambassador, with a thought for Catholic needs that went far beyond his personal convenience, maintained a large staff of English priests as his chaplains: the Sardinian ambassador, for example, at one time as many as seven, and the Portuguese ambassador eight. There were eight such chapels in 1730, but in the next fifty years three of them, as public chapels, came to an end.

Outside London there were, here and there, in the provincial towns Mass-houses that continually changed their location, and, more rarely still, a chapel. Such chapels there were, for example,

at Holywell in North Wales, disguised both of them as inns, *The Cross Keys* served by the secular clergy, and *The Star*, a Jesuit mission.[8] Of the modern centres of Catholic life Liverpool was perhaps the first to have its chapel; and the building, that dated from about 1726, was twice burned down by anti-Catholic mobs before fifty years had passed.[9] Manchester's first chapel, dedicated to Saint Chad and built on land that the deed, curiously enough, specifies as conveyed for that purpose, was not opened until 1776. It remains, however, doubtful whether, when the first Relief Act was passed there were in all England, the Embassy chapels apart, as many as twenty places where Mass was said that were not the private chapels of the Catholic gentry.

The Catholic schools, in England at least, were even fewer than the public chapels. There were, in fact, three of them: the old school at Twyford, where Pope received the beginnings of his education ; another small school at Standon Lordship, in Hertfordshire, founded by Bishop Challoner in 1749, when Twyford came to an end, and the school founded in 1763, likewise by Bishop Challoner, at Sedgeley Park near Wolverhampton. There were also two religious houses—the convent at Hammersmith that dated back to the reign of Charles I, and the one just without the Micklegate Bar of York, founded in 1680 and still in existence. In neither of these houses, of course, did the nuns wear any religious habit, nor was there anything in their manner of life to tell the outside world otherwise than that they were a community of pious ladies given to works of charity. It is not in their own country that we must look for the evidence of the English Catholics' care for education and for the chief testimony to the depth of their religious life. Beyond the seas lies the evidence in every country from Portugal to Lorraine, in the forty colleges, monasteries and convents where, as though Elizabeth and Cecil had never been, Catholic England survived in all its fullness.

There was the great college of Douay, whence came the majority of the English secular clergy for more than two hundred years, sanctified by the memories of its hundred and forty

martyred alumni, and other secular colleges at Rome, Lisbon, Paris and Valladolid; there were Benedictine monasteries at Douay, once more, and Paris, at Lamspring and Dieulouard, in Lorraine; English Franciscans, English Dominicans, English Carmelites and English Jesuits; and twenty-three convents of women, one of which, the Bridgettines of Lisbon, was distinguished by an unbroken corporate community life that went back to the days before Henry VIII suppressed its house at Isleworth. Here, in these thousands of lives and in the patient courage that, with hope yearly diminishing, ever refused to see in the signs of the times the inevitable, is the greatest achievement of English Catholic history, the final justification of a great race.

Two hundred years of the penal laws had bred in the English Catholics a prudence and caution such that concealment was become second nature. The students at Douay were still known by an alias, the clergy in England dressed as laymen and they too almost universally used the alias. The Pope in their correspondence was "Mr. Abraham"; Rome they hoped to disguise as "Hilton." They met to instruct their people in the London taverns, as Bishop Challoner at *The Ship* in Lincoln's Inn Fields preached to a little congregation that sat, for their better disguising as roysterers, each with his pot of beer before him. It was some such congregation that the officers of the law broke up at eleven o'clock one Sunday morning in February 1735 "at a little ale-house in Shoreditch, where nearly a hundred people had got together in a garret, most of them miserably poor and ragged, and upon examination appeared to be Irish."[10]

A vivid account of assisting at Mass in this life where all must be concealed has been preserved in the recollections of a convert of the time. It is her own account of her Reception, Baptism, Confirmation and First Communion at the hand of Bishop Challoner himself. All the features that a hundred local traditions have handed down are noted: the garret at the top of a public-house in a rough neighbourhood, the doors unlocked and locked again as each newcomer arrives, "a powerful-looking

Irishman" guarding the doors, and once Mass begins the doors are made fast; the Mass said on a chest of drawers hastily prepared as an altar and, Mass finished, as hastily dismantled.[11] This was in 1771, the year in which for the last time a Catholic priest stood at the bar of an English court on trial for the crime of his priesthood.

Inevitably ecclesiastical organisation was defective. There were no parishes, no fixed missionary districts, no chapels. The monks, friars and religious for all practical purposes lived the same life as the priests who were by their vocation parochial clergy. Monasteries there were none nor community life, and the complex relations between these missionary religious and the bishop led continually, in the circumstances, to difficulties that no law had foreseen and that costly experience alone could solve. The great mass of the clergy, secular as well as regular, were really the family chaplains of the Catholic gentry. Their patrons, naturally enough, asked a voice in their appointment, usage gave them a deciding right, and in the sequel very often it was to his patron rather than to the Vicar-Apostolic that the chaplain looked as his authority.

Hence the anomaly that the bishop occupied "a comparatively subordinate place in arranging for the work to be undertaken by the different priests."[12] Hence, too, a curious independence of the Vicar-Apostolic shown by clerics and laity alike. Hence that curiously critical attitude towards episcopal direction in even important things, which to those bred in another *régime* might seem insolent, and which finds expression in language that often seems as impudent. The degree of the *régime's* abnormality, and the length of its duration—the ordinary Government had broken down in 1559 and had never been replaced—cannot be too much insisted on if the later long fight between the bishops and some of the Catholic gentry is to be seen as it happened. The extent to which the exceptional had become the general rule, and the implications of the *régime* accepted systematically, is perhaps best shown by the attitude of the two parties in the beginning of the dispute.

Extraordinary liberties had bred an extraordinary mentality

and extraordinary relations, or lack of relations, between those who were in law superior and subordinate. The superiors had accepted the system—it was, and had been for generations the only system possible—and even when they were at last compelled to act, even in this struggle where they were asked, strange question, for the credentials of their authority, the bishops consent to treat and to parley, and their conduct is an alternation of authoritative declaration and conferences as with quasi-equals.

It is no less astonishing to note the genuine innocence the laymen display of the fact that a bishop's office is one of power, and that he is principally ruler and teacher, and to note their equally naïve indignation at the nature of episcopal authority when, the first time for a century, it shows itself in their regard. "It is painful for us to enter into a discussion of this nature with Your Lordships," they write in reply to a joint pastoral letter in 1791. "At all times we have been ready to meet the Apostolical Vicars; to inform them of our proceedings; to confer and to co-operate with them for the public good. Why, then, My Lord, precipitate matters? Why circulate this defamatory mandate? Have the Faithful been edified by it? Has it served the cause of religion? Has it recommended Catholics to the favour of the Nation? To those very chapels from the Altars of which your last Encyclical Letter was promulgated, more than one of us have largely contributed." [13]

Not perhaps since the troubled episcopate of Richard Smith (1625-1631) had authority faced such a crisis, but it was the fortune of the Church that in this crisis the laity with whom Bishop Smith's successors had to deal were singularly devoted to their religion, men whose personal lives were exemplary, ascetic even, and whom the training of long sacrifice and habits of devotion had made triple proof against anything fundamentally disloyal. Some shock was inevitable whenever the ordinary Government displaced the *régime*. It was the mercy of God that those whom the shock most affected were, so many of them, the fine product of a deeply religious generation.

The circumstances that developed that piety gave to it charac-

teristics which, for a long time, made the English Catholic somethingal together *sui generis*. The concealment that was the daily habit of his civil life reflected itself in his religious life so far as to become its most prominent feature. The practice of self-effacement, the love of obscurity, the shrinking from anything that even remotely expressed the inner man, that could betray the secret of his interior attachment, shaped a religious character of singular strength and attractiveness. For once the native sentimentality of the English was controlled. It was a piety that fed itself on the ancient sources, the Douay Testament, the Prymer, the *Imitation of Christ*, constant meditation on the Passion of Christ and the chief truths of Faith, and a whole literature of spirituality redolent of these, that came in a never failing stream from the English colleges and religious houses beyond the seas. Nowhere "foreign," suspicious of mannerisms as of novelties of devotion and what looked to sentiment, austere and ultimate in its demands as in its ideals, this piety bred in those whom it possessed an extraordinary gravity and poise, a serenity and balanced confidence that stamped a whole century of history.

Many a Catholic squire lived, like Weld of Lulworth, a life regularly ordered with its daily appointed devotions faithfully followed, while in his life's externals he managed his estate, drove, shot and hunted sociably with his neighbours. Many a bishop, too, lived as James Talbot, who, brother of the Earl of Shrewsbury in that golden age of aristocratic prestige, moved even his own people to admiration by the simple sincerity of a life hourly given over to drudgery, obscurity and very real poverty. They were accused of Jansenist tendencies, these English Catholics, their colleges and even their bishops more than once denounced to Rome as such, but searching investigation every time cleared their orthodoxy. That orthodoxy and the sincerity of that life of piety found perhaps the best of safeguards in the hard daily discipline of the still existing penal code.

It was, it is true, almost a century since, under that code, any English Catholic had gone to his death, but the whole system of exclusion from the national life, from the army and navy, from

the professions, from the national culture, from Parliament and from all civil and political offices obtained as strictly as ever, and in the social ostracism that was its sequel the English Catholics lived as contemplatives in some enforced but gladly accepted cloister. How real, to them, the fears inspired by that harsh discipline; how altogether devoid of the dangerous consolations of sentimentality the piety that resignedly submitted to it, as to the present will of God, can be read in every paper they wrote.

The laws in fact, even when not enforced, were always enforceable, and to the reality of this terror Berington in 1780 makes allusion. "Shall I sit down satisfied because the good humour of a magistrate chooses to indulge me; whilst there are laws of which any miscreant has daily power to enforce the execution? My ease, my property and my life are at the disposal of every villain, and I am to be pleased because he is not at this time disposed to deprive me of them. To-morrow his humour may vary, and I shall then be obliged to hide my head in some dark corner or to fly from this land of boasted liberty. It is surely better *not to be* than to live in a state of such anxious and dreadful uncertainty."[14] That this is no idle rhetoric, and that the enforceable laws continued to be enforced down to the last twenty years of the eighteenth century, a mass of evidence remains in proof.

Earl Stanhope in the House of Lords could assert that in the last twenty-six years—he was speaking in 1789—in at least thirty cases proceedings had been taken under recusancy acts against Dissenters, Catholic and Protestant alike, and "poor men's tables, chairs, deal shelves, pewter dishes, bolsters and beds . . . sold by public auction to pay the fines."[15] One such case—and from the similarity of its detail it may be the particular case he had in mind—occurred in Yorkshire in 1782. Two very poor Catholic labourers and their wives were summoned by a local justice of the peace and fined one shilling each for not repairing to Church. To raise the fine the constable distrained "in the house of one of them an oak table, a fir table and a plate shelf; in the house of the other a shelf, and two dozen of

delft plates, one pewter dish and four pewter plates, one oak table and one arm-chair. The sale was publicly called at the market-day, and the goods sold by auction at their respective houses."[16] Better than any other this homely example illustrates the misery that hung over the Catholics of that century. But the instance does not stand alone, and the tradition of repression survived in many places throughout the country.

To the Regency Bill of 1765, when the King's mental trouble first showed itself, a clause was, of course, added that disqualified the Regent should he marry a Papist,[17] and in every political alarm one of the Government's first measures was to issue a proclamation "for putting the law into execution against the Papists." So, for example, at the news that the Young Pretender had left Rome in the February of 1744, the proclamation of the twenty-third of that month, and a period of great anxiety for Catholics, no matter how loyal. The house where the provincial superior of the Jesuits lived was betrayed to Government, raided, of course, and all his papers carried off.[18] A document in the British Museum catalogues their innocent contents. Or the Government interfered, and it did so frequently, with the attendance of Catholics at the embassy chapels, and as late as 1756 forbade sermons there in English.[19] Hence, after the Mass at the Sardinia Chapel in Lincoln's Inn Fields, the withdrawal of the congregation to *The Ship* in Little Turnstile to hear the bishop preach—a practice that had to be maintained till the Act of 1791 once more allowed liberty of worship.

Priests and seminarists going abroad did so at a risk and the Home Office papers contained correspondence relating to their arrest *en route* as late as 1761.[20] So, too, the law relating to the importation of Catholic books was so much of a reality that one of the King's new French Canadian subjects—and by treaty the Catholic religion in this new acquisition retained its rights—found it necessary to obtain a Government authorisation to save his books. Or, if the Government were not active it might be the zeal of the Anglican clergy that set the law in motion. Trelawney, Bishop of Winchester, in 1720, hears that Mass is being said in his Cathedral city, and orders are sent to the clergy and

the mayor to tender the oaths to all suspected persons.[21] At Danby, in the north of Yorkshire, in 1750, the priest has to flee from the threats of the local parson, who has evidence of his baptising and marrying Catholics. At Isleworth, where Mass was said in Lord Shrewsbury's house, the Vestry in 1758 had the chapel closed and served a notice on the priest, Richard Kendal, that" unless you do remove and depart . . . within one Calendar month . . . or if you afterwards return there again, the parishioners will prosecute, and put the Laws concerning Popery into execution against you without further notice."[22]

The registers of Cheam furnish yet once more instances of the persecuting spirit in 1760 and 1765.[23] In each case the persecutor is the local parson, who, to terrify a poor Catholic woman whose child a priest had baptised, writes to her that death is the penalty for any priest who baptises or makes converts. A later example still relates to Middleton, in Wharfdale, where the son-in-law of the Vicar of Ilkley wrote to the priest, October 18th, 1770 :

"Mr. Watkinson,

"Whereas you have taken upon you the office or function of a Popish Priest, as I am credibly informed, Therefore I do hereby give you notice that unless you do immediately Quit this Country, you will be prosecuted as the Law directs."[24]

It was, perhaps, in the chance malice of individuals that danger chiefly lay. An anonymous correspondent drew the attention of the Secretary of State in 1767[25] to the recently founded school at Sedgeley Park, and though the Government did not act in the matter, a London informer about the same time managed for several years to keep the Catholics of the capital in a state of continual alarm.

He was one Payne, by trade a carpenter, and his activities, under the law of William III, were the last attempt at active molestation of the clergy. It was the intervention of the judges——of Lord Mansfield in particular—that saved the accused priests and effectively defeated the persecutor, insisting as they did that to claim his reward he must prove the ordination of the accused and the fact that the service at which he assisted was the

Mass. It was a new ruling, and in all the trials from which priests had gone forth to death for the crime of their priesthood, proof of ordination had never before been required. Even now it was only after a conviction, that the Lord Chief Justice discovered this possible loophole to save the accused. Payne's activities began in 1765 when he attempted, unsuccessfully, to have warrants issued for the arrest of Bishop James Talbot. He failed, but two years later was successful in bringing to trial an Irish priest—John Baptist Maloney—who at the Surrey Assizes on August 23rd, 1767, was sentenced to imprisonment for life "for unlawfully exercising the functions of a Popish Priest." Payne duly received his hundred pounds reward, and the following year his efforts brought four London priests to trial at the Court of King's Bench at Westminster. Their trial it was that broke down when Lord Mansfield asked for proof of ordination; but Payne, not yet at the end of his hopes, for three years more persevered to secure the conviction of Bishop Talbot. He was finally so far successful that on the 27th of February 1771 the bishop appeared in the dock at the Old Bailey, the last of a long line, to answer for his priestly character. Once again, and thanks to the judge, the prosecution failed, and Dr. Talbot was acquitted. It was Payne's last effort, though the Catholics did not cease to be molested until the Act of 1778 abolished the informer's reward.[26]

The very real and continuous anxiety this one man was able to cause may be gauged from two contemporary writers, the London Bishop's Vicar-General, James Barnard, and the distinguished Catholic man of law—Charles Butler. Barnard states that "for the first seven years scarce a week passed but Dr. Challoner had some fresh account brought to him, either of some priest being arrested, some steps that were taken by the informer in carrying on his persecution against some one or other of those whom he had under bail, some appearance to be put in and new bail given, or some trial to come on; or else of his endeavouring to steal incog. into some of the chapels, that he might lay a new information against the priests, or of his going accompanied with a number of others of his crew, and some

constables, to the chapel doors and endeavouring to force his way in." Butler contributes the significant fact that, from his personal knowledge, the single office of Dynely and Ashmall, Attorneys-at-Law in Gray's Inn, had defended more than twenty priests under such prosecutions, and, be it remembered to their everlasting credit, had defended them gratuitously.[27]

The saddest feature of the century's history is the slow steady fall in numbers. We have the names of 685 Catholics presented for recusancy in Monmouthshire in 1720. They were all over sixteen, and the district from which they were taken covered about half that small county. Sixty years later there were in all the country west of a line from Chester to Southampton barely three thousand Catholics all told. The other districts had the same depressing experience. The London Vicar-Apostolic reports to the Holy See in 1746 that there is little or no change since 1716, and the returns for 1773 are, to five hundred, the same as those for 1746. Country missions were slowly being abandoned; of ten Hampshire stations mentioned in 1773, four had disappeared when Bishop Talbot drew up his report for 1786. Kent had but three priests, and in Surrey (outside the capital) Catholics had shrunk to a bare hundred.

What were the causes of the decline? It is not difficult to say, it is not hard to understand their operation. Bishop Petre, sending his report to Rome in 1737, noted as among them the loss of fortune to the Catholic families, the political consequences of 1715, the lack of zeal among many of his clergy and the apostasy of many noble families. Berington adds the falling away that came from marriage with non-Catholics, the generally low religious life of the age, and the extinction by death of families that supported missions. The proportion of apostates among the gentry is not a high one, but wherever a local Catholic family conformed, the congregation usually disappeared also, and unfortunately the minority of the gentry who took this easier road were socially from among the most distinguished—twelve of them peers—and the consequences of their apostasy correspondingly far-spread in proportion.

The popular mind associated Popery with the banished

Stuarts, saw with Dr. Young "a pope-bred princeling" in the Pretender, and in a popular toast linked their names together, "the Pope, the devil and the Pretender." When the century began, in the generation that followed the Revolution, the English Catholics were on the side of legitimacy, naturally enough, and many of them were actively concerned in the events of 1715. But thence onward loyalty to the Stuarts was little more than a pious sentiment with all but the Catholics abroad. The Douay Diary that records the Te Deum sung at the news of "James III's" landing in Scotland, whose "serenissimus rex" is that same unfortunate prince, and in which George I is simply "dictus Angliae rex," is here no faithful witness to the feelings and intentions of the Catholics at home. Bonaventure Giffard, who died Vicar-Apostolic of the London District in 1734, who had been consecrated in the palace at Whitehall in the brief fleeting hour of the last Catholic king, and whose father had been slain forty years earlier still in the war against the Parliament, had long outlived not only his generation but even its tradition as a force in politics.

Rome had, ten years before his death, forbidden the English clergy even to discuss politics,[28] and when the fateful year of '45 came, though there might be excited hearts at Douay, and daily Exposition of the Blessed Sacrament in the English College at Rome, the leaders in England strove for peace and used their influence, and successfully, to dissuade their people from joining in the rebellion.[29] They did not succeed so easily in persuading the Government of their loyalty, and Catholics still remained suspected as Jacobites, but, in the convenient way traditional since its Elizabethan inventors, reprobated and denounced as Catholics.

In Canada there was from the beginning no difficulty about the recognition of the Hanoverians *de iure* and *de facto*, and even before the treaty of 1763 the clergy sang a Te Deum for the marriage of George III, his name was inserted in the canon, in the prayers at Benediction, and—presumably in place of the Roman Emperor—in the ancient Preface with which on Holy Saturday the paschal candle is blessed.[30]

Things became easier still for those who could not in conscience acknowledge George III as King *de iure*, however much they might be loyal to him as King *de facto*, when in the first days of 1766, after a nominal reign of nearly sixty-five years, the son of James II died at Rome. The Pope—as George III learnt from a letter, written perhaps that very day[31]—refused all recognition to his son, showed not the least inclination to acknowledge him, and severely punished the Catholics who took it on themselves to bend the knee to "Charles III." It was the end, and when thirteen years later the Act of 1778 prescribed an Oath of Loyalty to the Hanoverian king, the scruple of legitimacy was hardly matter for discussion.

The first measure of relief came to the English Catholics at a moment when, more than at any other time in English history, the social character of English life was changing. With that change, change came inevitably to them also, change in such measure and with such rapidity that before its sudden onslaught the walls of their cloistered life went down, and gradually, reluctantly—and perhaps none too fortunately—the constituent elements of that astonishing life took other forms, became something else. They gave to "the new people" whom Bishop Challoner, as in prophecy, saw taking their place, the treasure they had so wonderfully guarded, and in return they received as richly. But as a generation, as a memorial type, as a religious force *sui generis*, ultimately they passed. What appearance they made to the country from which so reluctantly they for conscience had estranged themselves, one has described who later reaped of their sacrifice—John Henry Newman. He speaks of "the utter contempt into which Catholicism had fallen by the time that we were born . . . No longer the Catholic Church in the country; nay no longer, I may say, a Catholic community;—but a few adherents of the Old Religion, moving silently and sorrowfully about, as memorials of what had been. 'The Roman Catholics'—not a sect, not even an interest, as men conceived of it,—not a body, however small, representative of the Great Communion abroad—but a mere handful of individuals, who might be counted, like the pebbles and detritus of the great

deluge, and who, forsooth, merely happened to retain a creed which, in its day indeed, was the profession of a Church. Here a set of poor Irishmen, coming and going at harvest time, or a Colony of them lodged in a miserable quarter of the vast Metropolis. There, perhaps an elderly person, seen walking in the streets, grave and solitary, and strange, though noble in bearing, and said to be of good family, and a 'Roman Catholic.' An old-fashioned house of gloomy appearance closed in with high walls, with an iron gate and yews, and the report that 'Roman Catholics' lived there ; but who they were, or what was meant by calling them 'Roman Catholics' no one could tell;—though it had an unpleasant sound, and told of form and superstition. And then, perhaps, as we went to and fro, looking with a boy's curious eyes through the great city, we might come to-day upon some Moravian Chapel, or Quakers' Meeting House, and to-morrow on a chapel of the 'Roman Catholics': but nothing was to be gathered from it, except that there were lights burning there and some boys in white, swinging censers; and what it all meant could only be learned from books, from Protestant Histories and Sermons and they did not report well of the 'Roman Catholics' but on the contrary deposed they had once had power and had abused it." [32]

# BOOK III

# THE ASCENDANCY AND CATHOLIC EMANCIPATION

## CHAPTER I

## CATHOLIC RELIEF

### (*i*) *The Beginnings of Change*

THE Catholic Question when it finally thrust itself into the heart of English political life did so as the contemporary phase of the problem of governing the Irish nation, but the Question in its first beginnings—then the question of relieving Catholic social life from the vexations of the Penal Code—was a product of the colonial *régime* was in fact to the English aristocracy simply one element more in its old problem of controlling the colony in Ireland. It was from the Government in London that the first recognition of Papists, otherwise than as subjects for new vexations, came in the tacit permission to take them as recruits for the army. This was in 1759 and for the next thirty years the English Government was the chief force in the movement for relief.

The history of the various Catholic Relief Bills in the Irish Parliament lacks none of the features common to the history of all measures forced through that Parliament by the English Government. There is the usual motive of securing more easily its interest in Ireland, the usual anxiety as to the extent of opposition change might arouse among the colonial aristocracy; correspondence between the ministers in London and their Dublin agent the Lord Lieutenant, negotiations and, whenever neces-

sary, close bargaining for Parliamentary influence; and wherever the London Government insists and will pay the price, a change over in the Parliament at Dublin, and the passing of its decrees.

It was then to the ministers in London rather than to the Parliament in Dublin, even in opposition to the Parliament at Dublin, that the Irish Catholics learned to look for protection. In return for that protection they were to show every promise of being the English Government's most devoted supporters in its Irish policy.

The first hint in law of coming change was an Act of the Irish Parliament *to encourage the reclaiming of unprofitable bogs*, passed in 1771.[1] Even Papists, by this Act, might be granted a lease of such "unprofitable bog," provided that the bog was at least four feet deep, that the holding did not exceed fifty acres, that it was not within a mile of any city or market town, and that the term of the lease did not exceed sixty-one years: this, "the laws made to prevent the further growth of popery notwithstanding." The circumstances in which this concession was made remain obscure, and equally obscure those in which the more important Act of 1774 was passed *to enable His Majesty's subjects of whatever persuasion to testify their allegiance to him.*[2] The Act speaks of the desire of Papists to testify their loyalty, and by so doing, and by expressing their abhorrence of doctrines falsely imputed to them, to remove jealousies and promote a better national feeling. It provides then a new Oath and Declaration of loyalty, in which the reference to the royal supremacy, that made it impossible for Catholics to take the existing Oath, was omitted.

The Oath of 1774 renounces and abjures allegiance to the exiled Stuarts. It rejects as "unchristian and impious" the notions, falsely believed to be part of Catholic teaching, that it is lawful to murder heretics, and depose or murder excommunicated princes, that no faith need be kept with heretics; it denies that the Pope has or ought to have any temporal or civil sovereignty within the realm, declares that the Oath and Declaration is made without equivocation in the plain and ordinary sense of the words used, and denies the power of the Pope to absolve from the Oath's obligation once it is sworn.

The names of those who took the Oath were to be enrolled by the clerk to the Privy Council. The Act, though it made no concession to those who were willing to take the Oath, had this importance, that it gave Catholics a real opportunity of proclaiming their loyalty, that it was an official acceptance of the loyalty pledged, an admission that a man's word was not the less secure because he was a Catholic, a tacit withdrawal on the part of the Government of a libel as mischievous as it was ancient, and for generations a main justification of persecuting laws. It was the first announcement that the Government believed in the possibility of Catholic loyalty, and, because official announcement of such belief was necessary before the old policy of repression could be changed, the Act of 1774 was the foundation on which any policy must be based that would reverse the long outlawry, and re-admit Catholics into the State.

The Act of 1774 had, then, established the principle that Catholics could be loyal subjects, and the logical conclusion that they should be freed from the disabling laws received its first recognition in a further Act *for the relief of His Majesty's subjects professing the Popish religion*, passed in 1778.[3] The preamble testifies to their "uniform, peaceable behaviour over a long period of years" that made it therefore "reasonable and expedient" to relax certain Acts of Queen Anne that subjected them "to certain disabilities and incapacities." These the new Act so modified that henceforward in matters relating to the possession of landed property the law ceased to make distinction between Catholic and Protestant. Catholics could take a lease of land for 999 years, their lands were "descendable, deviseable and transferable" as those in seizin of any other, and they could take such estates the previous laws notwithstanding. Furthermore, the particular wickedness that, on the conformity of the eldest son, reduced the father's interest to that of a mere life tenant, was abolished. To qualify for the concession the Act granted, Catholics were to take the Oath provided by the Act of 1774. Converts to the Catholic Faith were exempted from the concession, and Catholics converted to Protestantism who "lapsed to Popery" were equally liable to the old laws.

The Act of 1774 is witness to a change in the Ascendancy's view of Catholic loyalty. In the Act of 1778, in the relief it gave and the restrictions it left in force, we can read the circumstance of its origin—the political necessities of the English Government in the most critical year since the system was established, Ireland on the verge of bankruptcy, the example of the colonists in America whose cause every month approached more nearly to victory, the sympathy with America almost universal in the Presbyterian North that was the wealthiest and most settled part of the country, and the fact that the Catholic mass of the nation was as yet entirely free from this poison. Fear of the Protestants, so thought Lord Charlemont the leader of the Volunteers, induced the Government to court the Papists. A like estimation of the possible value of Catholic support won the long-despised Papists the support of some of the leaders of the "Patriotic" party, then organising the opposition that was to be so victorious in 1779 and 1782. Grattan, already even in the opening of his long career the greatest individual force in the Dublin Parliament, was proclaiming that "the Irish Protestant could never be free till the Irish Catholic had ceased to be a slave," and in England the Catholic cause had the assistance of Burke's great influence.

"By a great number of fortuitous coincidences," wrote the Speaker of the Irish House of Commons to Burke, "almost all parties have united in the present Bill," a combination so extraordinary that if the Bill were lost, he despaired of ever seeing the like again.[4] "The immediate cause" of the Bill was the Government's liberal policy in allowing so easy a passage to the English Relief Act of 1778. After that (the witness is the Irish Chief Secretary) "it was evident that something must be done here without delay. It then became not only a matter of policy and of humanity, but of necessity . . ."[5] It is the first instance of the interaction of the Catholic Question in both countries and in making its first concession to Irish Catholics the English Government has set the fatal precedent of acting not from motives of policy and humanity, but from sheer necessity.

The Act was admittedly imperfect, the session was well advanced when it was introduced, too late for revision of the

Popery-laws, which would have meant a revision of the whole code of law, and, the Irish Secretary wrote to Burke, the Act was the work of men opposed to relaxation but compelled to it by necessity. The Catholic Petition which had opened the agitation had not been favourably received, and while the Lord Lieutenant favoured the relief, as did the Protestant primate, it was, necessarily, to the support of the Government in London that the Bill owed its success. That Government's *carte blanche* to the Lord Lieutenant was the turning point in its fortune.

Burke claimed the credit of the victory in London—where in the Privy Council there was much opposition—for the Whigs, then out of office. To them rather than to the Tory Government was the relief due, and had the ministers been more willing they could have proceeded more expeditiously; and he advised the Catholics, in working for the removal of the "serious difficulties that have arisen and will continue," not to become "so servilely grateful to the court as to become hostile to the party of the constitution."[6] But the "party of the constitution" was in opposition, had been in opposition for eight years already, and, but for a few fleeting months of office, was to remain in opposition for forty years more. Whether it was to Whigs in opposition or to Tories in power that the relief was owing, to no one apparently was it owing more than to Burke himself. The Petition was his work, written so long before as 1764, and, so the Catholic Association that presented it considered, now making "such an impression as was in great measure provocative of what has since followed, far beyond expectation."[7] "The warmest affection and gratitude," wrote the Irish Speaker to him, "appeared in every countenance: they know their obligations to you, and have the strongest sense of them,"[8] and, as a testimonial, a meeting of Catholics unanimously voted him five hundred guineas.

Last eloquent indication of a new spirit in this slight measure of relief, the word "Papist" disappears from the Journal of Parliament and from its Acts. The "Papists" are henceforward "Roman Catholics," though not until 1793 do they cease to be "Papists" in the Speech from the Throne.

* * * * *

Though it was in Ireland that the first signs of change showed themselves, the first relaxing of the Penal Code was an Act of the English Parliament, and the benevolence of the Government, that secured the Act's passing, arose from military necessities at a crisis of the war with the colonists in America.[9] It was in the winter after Burgoyne's disastrous surrender at Saratoga (17th October, 1777) that Lord North's embarrassment, ready to seek relief wherever relief might come, turned to the possibility of recruiting new regiments from the Catholics of the Scottish Highlands. Curiously enough, in the first year of his government (11th December, 1770), North had refused to support a motion for Catholic relief proposed by the very man whose recent disasters now turned him to consider it as a means to new resources.

It was, naturally enough, in the greatest secrecy that the enquiries were made, North, Lord George Germain and the Earl of Suffolk alone of the Cabinet being aware of them. Their agent was one of the barons of the Scottish Exchequer, Sir John Dalrymple. He it was who from Bishop George Hay—one of the two Vicars-Apostolic in Scotland—sought to learn what the attitude of Catholics in Scotland was on the general questions of the war, what likelihood there was of recruits, and what relaxation of the penal laws they would ask in return for their services. The bishop's answer is dated for the 18th February, 1778. The total repeal of the Penal Code, though obviously the surest of all means of gaining and for ever Catholic goodwill, he does not consider practicable. It might even be imprudent. He suggested three points in which relief could be given: the laws that forbade the saying of Mass and assistance at it should be repealed, the Laws that made it impossible for Catholics to buy or to inherit land, and finally the religious clause of the Oath sworn by all recruits. Hay, furthermore, was insistent that the English Catholics should be taken into account, and in March sent Dalrymple letters and introductions to the London Vicar-Apostolic, Richard Challoner, and his coadjutor.

The three English ministers were agreeable to the terms and the negotiations went forward. Dalrymple called on Bishop

Challoner, but found that venerable prelate—then in his eighty-seventh year—not a little cautious in committing himself. To Dalrymple, in fact, he did little more than speak of the difficulties that the scheme must encounter, fearing, among other things, the jealousy of the Dissenters, though privately he set himself to prepare a scheme in which, with surprising boldness, he suggested the repeal of the whole Penal Code.

Dalrymple turned to the laity, and at first found only the same suspicious fear, when an accident brought him into relation with a young Catholic conveyancer, William Sheldon. From this meeting, 2nd April, 1778, the movement grew—Sheldon its organiser, and from this moment until its conclusion it is a layman's movement. Sheldon strongly opposed "any application to our clergy in temporal matters, the English Roman Catholic Gentlemen being quite able to judge and act for themselves in these affairs"; considering, perhaps, with Lord Petre, that any appearance of clerical influence in the movement would give prejudice an additional motive for wrecking it. Whether there was at this moment among these Catholic gentry any appreciable anti-clerical spirit, it is not easy to determine. Stories have come down that seem to point to its existence in individuals at least—Sir Robert Throckmorton's rude refusal to Bishop Hay at the meeting on the 27th April, "we don't want bishops"—but against them we can set Milner's account of the Committee's submitting the proposed Oath to Bishop Challoner and of their accepting from him the corrections that made its phraseology safe from the criticism of technical theology.

Sheldon, after his interview with Sir John Dalrymple, set himself to spread the good news among the Catholic gentry then in London, and a meeting was convened by an invitation worded with typical caution, for April 11th following, at the Thatched House Tavern. Before the meeting was held, means were taken to learn the opinions of the public men of the day. North, of course, was friendly and all his colleagues, so too Mansfield, so too Rockingham. From Shelburne alone, characteristically shifty, was there any difficulty; though in the end, thanks to Priestley whom he consulted, he overcame his fear of

offending the Dissenters and even seconded the Bill in the House of Lords with a powerful speech.

The meeting at the Thatched House Tavern adopted the plan of addressing the King, appointed a committee to draft the address and called another meeting for 27th April to discuss the draft. To this meeting every Catholic gentleman of standing was invited by letter—nearly two hundred in all. Burke, at the committee's request, wrote the address, and at the second general meeting it was unanimously approved and signed by the eighty present, and by proxy, for a hundred and twenty-seven more. Five days later it was presented and received graciously as the King had promised.

The committee, again at the Government's suggestion, were already at work on the details of the scheme they proposed. The technical difficulty, that the Act from which the Scots sought relief was an Act of the Parliament of pre-Union days, led the committee to dissociate their case entirely from that of their Scotch brethren—to the natural disgust of the Scots with whom had lain the initiative and who now saw their own relief at least postponed. For Catholics in England all the committee asked was the repeal of the Act of 1700—11 and 12 W. iii c. 4. The penalty of life imprisonment for bishops, priests and schoolmasters would be abolished with the reward of £100 paid on their conviction to the informer who had secured it, and to Catholics would be restored their power of inheriting and of buying land. There would still remain the old Acts of Elizabeth that made the mere presence of the clergy in England treason and all harbouring of them felony—but these could not be enforced. They had been a dead letter now for nearly a century. There would still remain the Recusancy Acts—not quite so obsolete, since we can trace at least one conviction under them four years after the passing of this Act of 1778. Finally the relief was not granted absolutely, but conditionally to those who took a special Oath of Allegiance provided in the Act.

This new Oath might easily have wrecked the plans of the Act's promotors despite a general goodwill, as proposed Oaths had wrecked other endeavours more than a century before, and

as they were to wreck similar endeavours more than once all through the next fifty years. But the privacy of the negotiations, the tact of the committee, the conciliatory disposition of Bishop Challoner and, perhaps even more than all these, the unique reverence his great age and saintly character so universally inspired, warded off this danger.

The Bill, drafted by Sheldon, was introduced on the 14th May by Sir George Savile, and seconded by Dunning. With hardly any opposition, a non-party measure, it passed speedily through all its stages, went to the House of Lords eleven days later and on June 3rd received the royal assent.

In the new Oath, to be taken within six months of the passing of the Act, the Catholic swore allegiance to George III and all his heirs and successors, and abjured and renounced any obedience or allegiance to the exiled Stuarts, *nominatim* to "Charles III." He publicly rejected, likewise, as "unchristian and impious" the notion that it is lawful to murder heretics or to break faith with them, and protested that it is no part of his faith that princes excommunicated by any authority of the See of Rome may be deposed or murdered by their subjects. Finally he swore that neither the Pope nor any other foreign prince "hath, or ought to have, any temporal or civil jurisdiction . . . directly or indirectly, within this realm," and professed that his swearing was without any equivocation, in the plain and ordinary sense of the words of the Oath, and without any dispensation from Rome allowing him perjury.

* * * * *

It was in Scotland that the Government made its first overtures to the broken Catholics, and, ironically enough, it was in Scotland too, that Government's new kindliness first provoked any popular reaction. For if the aristocracy might be disposed to make what use it could of Catholics in a military emergency, and if it might be willing for its own purposes to make concessions to its fellow aristocrats who happened, as Catholics, to fall under the ban, Popery with the mass of the people was still

Popery. The London Persecution of 1765-1771 "would never have relented for a moment," said Burke,[10] "if the judges did not constantly throw every difficulty in the way of informers," and the recognition of Catholicism in Canada, by the Quebec Act of 1774, called forth many anti-Catholic Petitions.[11] The will to destroy Popery with all its works and pomps was still very strong when the passage of the Acts of 1778 in England and in Ireland gave it the best of opportunities for translation into action.

In Glasgow the Presbyterians celebrated the mournful event with a solemn fast, and the rabble looted and wrecked the miserable lodging that served as a Masshouse. A "Committee of correspondence for the Protestant Interest" was formed, and once more in the early months of 1779 there were anti-Catholic riots in Glasgow and Edinburgh. Bishop Hay, indeed, returned from his negotiations with the Government to find his house in flames and the mob looting joyously. A bystander, as he gazed, explained the circumstances; only the bishop was lacking, and when they had found him he should follow his furniture and library into the fire. The Scotch Catholics petitioned Parliament, and—his first appearance in this history—a son of the Duke of Gordon moved the rejection—Lord George Gordon.

There followed the organisation, in England, of The Protestant Association and the most incredible scenes in modern English history—the Gordon Riots. The story of that amazing affair is familiar enough, and has lately been retold with a detail that only adds to the amazement.[12] For the best part of a week London was in the hands of the rascality of the capital to whom anti-Catholic fanaticism had given an opportunity and lent a name. The embassy chapels were sacked, and Catholic property destroyed, while its owners fled for their lives. The Houses of Parliament were beset, and for the authors of the Act of 1778 there came a moment when it seemed likely they would have no choice but to cut their way through the mob, sword in hand, or be lynched. The city magistrates, terror stricken, first committed a few of the arrested rioters, then, to placate the mob, released them. One of the magistrates—it was John Wilkes, now

orthodox "true blue"—menaced with prison the messenger who came to announce that military law was established, and the Common Council petitioned for the repeal of the offensive Relief Act.[13]

In a night of horrors Newgate fell into the hands of the rioters, who released the prisoners and gave the prison to the flames. Horace Walpole, from his refuge, set himself interestedly to count the fires in the capital, and Dr. Johnson the next day, strolling through the city, saw its scavengers and chimney sweeps, the very street arabs, plundering and destroying the Session House at the Old Bailey "at leisure, in full security, without sentinels, without trepidation, as men lawfully employed in full day."[14] Finally, when no one else had nerve enough to decide, the King himself acted and, the repression authorised, the affair collapsed as suddenly as it had arisen.

The riots were a reminder that the Catholics never forgot. In the older Catholics, whose fathers' memories would go back to earlier demonstrations of the same hate and cruelty, they confirmed the traditional fear of public action, and coming as this violence did at the end of a century of inexpressible desolation, we can place to its credit much of the fear and reluctance to act that was to mark the conduct of the older bishops in the movement towards the next stage of relief.

### (*ii*) *The English Act of* 1791

There had been no opposition in 1778 to the principle that Catholics should be relieved from the penalties the practice of their religion entailed, and when, in 1791, a further Relief Bill was introduced, despite the revival of sectarian bitterness to which the riots of 1780 are witness, Parliament and the Ministry were equally sympathetic. The initiative, in this second Relief Act, lay with the gentry of the Catholic Committee.

The original committee, elected to negotiate the details of the relief proposed by Lord North's ministry, ceased to function with the passing of the Act of 1778; but it was only formally dissolved at a general meeting of the English Catholics held at the cham-

bers of the secretary, William Sheldon, 3rd June, 1782. The new committee, elected to serve for five years, "to manage the public affairs of the Catholics of this Kingdom," was a body of ten, its leading spirit the new secretary Charles Butler, a lawyer of quite unusual ability, a man whose austere and devoted life reflected all that was best and most characteristic in the English Catholics of his time.

The committee employed itself in educating public opinion on the subject of Catholic disabilities and the beauty and seemliness of religious toleration. "Every circumstance that appeared in foreign prints favourable to toleration," they declared in an address that later accounted of their stewardship, "has been published in the English papers"; and they used the advantage of their rank to preserve "the friendship of liberal men, able and willing advocates for religious liberty, not neglecting to solicit support from the leaders of public business, when the time would again permit them to appear before their country, praying redress of grievances." [1]

In February 1788 they approached the Government with a Petition. Pitt was not hostile, though, pre-occupied with a crisis in foreign policy, it was not until May that he gave the committee his reply. He was prepared to consider their proposals, the alteration of the law that shut them out from commands in the army and navy and from the learned professions—but thought they would have more chance of success if postponed until the next session of Parliament. Meanwhile he would like official assurances from Catholic universities as to the Catholic teaching on three points—the extent of the Catholic Church's claim to civil authority in England, the power of the Pope to absolve English subjects from their allegiance, and the obligation on Catholics of keeping faithfully pledges made to heretics. Before the next session opened, however, the King was out of his mind—5th November, 1788—and debates on the nature and extent of the powers to be entrusted to the Regent occupied the minds of the politicians to the exclusion of everything else.

The crisis ended with the King's recovery 15th February, 1789, and within a few weeks the committee was ready for

further action. They had prepared the draft of a Bill embodying their proposals; they had drawn up, and fifteen hundred Catholics, the four bishops and two hundred and forty priests with them, had signed, a Solemn Protestation denying the antisocial doctrines with which Catholics were falsely credited, and they were furnished with replies to Pitt's questions from the universities of Louvain, Salamanca and Douay, Alcala, the Sorbonne and Valladolid.

The six universities of course agree—Louvain with a polite raising of the eyebrows "that such questions should, at the end of the eighteenth century, be proposed to any learned Body, by inhabitants of a Kingdom that glories in the talents and discernments of its natives."[2] Neither Pope nor Cardinals, nor any assembly or individual of the Catholic Church have, as such, any civil authority, power, jurisdiction or pre-eminence in the Kingdom of England. Nor can they absolve the subjects of Great Britain from their Oaths of Allegiance nor dispense them from the obligations therefrom deriving. And the obligation of keeping faith, being grounded on the law of nature, binds all men equally, and Catholics more cogently still, as it is confirmed by the principles of their religion.

On 5th May, 1789, a year to the day after Pitt's receiving the deputation, the Protestation was presented to Parliament as a Petition for relief, by Mitford, who announced a forthcoming Bill to enact the desired relief. The Bill—the committee's Bill remodelled in seven weeks of negotiation, and containing a new Oath of Allegiance that was to be the condition of relief—was published at the end of June, but pressure of more urgent business again delayed its introduction. Before it could be introduced however, Fox, in the reassembled Parliament on 2nd March, 1790, proposed a Motion for the relief of all dissenters. It was defeated by a majority of 189 and the promoters of the Catholic Bill, too prudent to risk its chances in what would have been an invitation to relieve Catholics where Nonconformists had been refused, once more postponed its introduction.

Three months later Parliament was dissolved, and it was in a newly elected House of Commons that on 21st February, 1791

Mitford moved for leave to introduce his Bill. It proposed "to relieve, upon conditions and under restrictions, persons called protesting Catholic dissenters, from certain penalties and disabilities to which Papists, or persons professing the Papist religion, are subject."

The protesting Catholic dissenters were, of course, those who had signed the Protestation and Declaration of two years earlier and who would, presumably, be willing to confirm their signatures now by taking the new Oath. It was their willingness to disclaim the anti-social tenets popularly accredited to them that, so its preamble declared, was the motive of the Bill; and relief was given, not to Catholics as such, but to Catholics giving guarantees that they were other than traditional prejudice believed them to be. The old persecuting laws were not to be repealed—merely the protesting Catholic dissenters would no longer be liable to the penalties they inflicted. Nor was it intended, Mitford carefully explained, that Catholics should be admitted to offices of trust—they were merely given an opportunity of assuring their country that they were honourable citizens and upon that assurance would be freed in their private life, and in the exercise of their religion, from the vexatious interference of a score of old laws.

For such then, as were willing to take the Oath, the obligation of attending service week by week at the Protestant Church was abolished, and abolished, too, all the penalties and disabilities incurred by Papists, reputed Papists, those educated as Papists, those reconciled to or holding communion with the See of Rome. They incurred no penalty, they suffered no disability through receiving Holy Orders or through entering a Religious Order. They were allowed to meet for their religious exercises in public places of worship—which, however, had to be registered; and the prohibition against saying Mass or assisting at Mass was taken away. They could, without risking any longer the enormous fine, act as schoolmasters or tutors, and the profession of the law was thrown open to them. They were free, if landowners, of the harassing obligation to register their estates and to enroll their deeds; and to the Catholic peers was restored

the privilege of their order of freely approaching the royal presence. It was for the Catholics the law's permission to exist—and, in this the Bill's original form, permission to protesting Catholic dissenters, presumed not to be the same as the ancient foe to national independence, the Papists.

This ingenious distinction, that was to be a source of trouble to the Catholics, was by their would-be champions warmly welcomed. Lord Stanhope in the House of Lords[3]—weeks before *Woodfall's Register* publishing the Bill dismayed the Catholic bishops with its distinctions—while he excluded Papists from his Bill to relieve all dissenters, welcomed the persons who styled themselves Catholic dissenters. "They utterly disclaimed, reprobated and protested against the principles of Popery," he explained, and it was only just to discriminate between them and the Papists. Fox, speaking to Beaufoy's motion of May 8th, 1789 to repeal the Test Act, though of course anxious to repeal universally all disabling laws, apparently had the same distinction in mind.[4]

The Bill, as in 1778, was not a Government measure, and, apart from the discussion that was the Parliamentary reflection of divided Catholic opinion, it went smoothly and easily through its various stages. Its easy progress, and the absence of opposition to its principle, is good evidence how universal by now in the ruling aristocracy was the kindly spirit which twenty-five years before had moved the judges to protect the Catholic clergy from the legal persecution of the informer. No one any longer wished to punish Catholics for going to Mass, to forbid them schools, to shut them out from the services and the professions. Protestantism reigning now so long in unquestioned supremacy, built into the Constitution, securely established in the culture, the tradition and the wealth of the country, could afford to relax the code enacted for its own early protection and the destruction of its rival's influence. The defeated Catholics offered a security, and the Protestant aristocracy, tolerant in the knowledge of their victory's completeness, readily accepted. It is not then for any final contest between the heirs of the Reformation and the descendants of those whom they dispossessed that the main

interest lies in this story of the Act of 1791, but rather for the bitter controversy among the Catholics themselves, of which these negotiations were the occasion.

The negotiations were not the cause of the controversy, nor did the controversy come to an end with the passing of the Act, but, persisting through the next forty years, it influenced very powerfully not only the future of the English Catholics, but also the development of what was to be in all that time the leading domestic problem before the English Government. It was, in its beginnings, a dispute between some of the Catholic aristocracy to whose initiative the Act was owing, and their ecclesiastical superiors, the Catholic bishops. It concerned in ultimate analysis the extent of the bishops' authority in Catholic action; and the lay mentality that was one cause of the dissension was largely the product of the abnormal régime under which the English Catholics had lived for two hundred and thirty years.

Its occasion was the Oath demanded by the Government as security for the new relief, and embodied in the Bill as proposed by Mitford in 1789. This Oath was published in *Woodfall's Register* on June 26th of that year, and differences long preparing came rapidly to a head. The project of a relieving Act had then been occupying the committee for a year and four months, and already difficulties had risen between them and some of the bishops regarding the Protestation. These difficulties again had been preceded by differences, symptomatic of future trouble, in all the committee's leading activities since its reconstitution in 1782.

The committee's first aim had been to lessen the prejudice bred of ignorance that they conceived to be the Catholics' chief enemy. They noted, for example, the current suspicion that the English Catholics were "too dependent on the Court of Rome," and they proposed to correct it by an alteration in the system of their ecclesiastical government. Instead of bishops, who ruled as the Pope's vicars, by delegated authority, they asked for the re-establishment of bishops-in-ordinary, whose essential authority would derive directly from the canonical possession of their sees.

The system of government by Vicars-Apostolic, they urged, "necessarily creates an appearance of dependence on the Court of Rome, which is generally represented to be much greater than it really is." The change they proposed would make little difference in practice, but would remove an appearance of being "foreign."[5]

This question of a hierarchy, several times discussed, and the proposal to establish a Catholic school in England for "those who are destined by their parents for business," since the education in the schools abroad is "evidently ill calculated for such as are intended for business in this country," represent almost the sum of the committee's activities up to the time when, its mandate expired, the members sought re-election in the May of 1787. In preparation for that event, they issued an address to the English Catholics and it was around this address that the first signs of division showed themselves, division between bishops and committee, division between the committee and other laymen.

The committee was, however, re-elected for another five years, and, at a general meeting in February 1788, Lord Petre went out of his way to reassure the bishops, and those Catholics whom the suggested changes in the system of episcopal government had startled into criticism, that the committee's rôle had been and was one of suggestion merely. The clergy, so far, had no representation on the committee, had been "tumultuously rejected,"[6] in fact, on its formation in 1782. Now, however—the committee's best answer to the criticism that it was anti-clerical—three of the clergy were elected to it, James Talbot the London Vicar-Apostolic, another bishop, Charles Berington, coadjutor to Talbot's brother the Vicar-Apostolic in the Midland District, and a Benedictine, Joseph Wilkes.

It was with the committee thus reinforced that the next occasion of trouble arose—the terms of the Declaration and Protestation whose presentation to Parliament on May 9th, 1789 was the first stage in the campaign of the Act of 1791. The original Protestation was the work of "Citizen" Earl Stanhope, Pitt's brother-in-law, an incident in his scheme to abolish all religious

tests; and it was compiled very largely from the works of a celebrated Irish Franciscan of the day, Father Arthur O'Leary. Stanhope sent his Protestation, recommending that it should be signed by the Catholics, to Lord Petre, who in turn forwarded it to the secretary of the committee to be by him transmitted to the Vicars-Apostolic.

This was in the November of 1788, and before the new year the bishops had written to one another and to the committee making objections.[7] In these they were in substantial agreement. Some of the articles were "vague, too restricted, even false," wrote Bishop Walmesley. Some of its expressions were even "reprehensible," and because of these "essential defects" he declared he could never sign it.[8] The Northern Vicar-Apostolic —Matthew Gibson—objected strongly to the mode of procedure. "Any new formula ought to be discussed and finally agreed upon by the bishops among themselves."[9] Prophetically he noted any other mode of proceeding as "pregnant with dissensions," and refused the "improper" suggestion that he should confine his objections to particular parts, "to be weighed and debated by incompetent judges." All the bishops agreed that the Oath already prescribed in 1778 was a full enough repudiation, and feared that a new Declaration would cause infinite trouble, reopening old theological quarrels.

The committee, however, perseveringly set themselves to the task of explaining the Protestation's ambiguities. It was its obvious sense that mattered, and the implications that the refinement of theological analysis might discover were not contemplated by its Protestant author and could not be read into it by the Protestant Parliament for whom it was intended. In the end the bishops—except Matthew Gibson—accepted the committee's point of view and signed the Protestation, Bishop James Talbot in the February (apparently) of 1789, his brother, Thomas Talbot, and before March was out, Bishop Walmesley too.

We can see at work in the detail of this first clash between the committee and the bishops all the causes that underlay the future trouble. A formula explaining Catholic doctrine was drawn up by laymen (this particular formula was drawn up by

a non-Catholic), and, as might be expected, lending itself, from a looseness of phrase that only a trained theological mind could adequately guard against, to implications, foreign perhaps to the intentions of those who drew it up, but which, nevertheless, the loose phraseology warranted, and which were inconsistent with Catholic orthodoxy. Bishop Matthew Gibson summed up this side of the question when he spoke of the Protestation as "ambiguous and equivocal." The committee, concerned with their appointed task of removing Protestant prejudice, fearing, perhaps, that refinement of theological distinction would, more than anything else, defeat their end, trusted the Protestant goodwill to read only in the Protestation the obvious sense of what it had written, and discounted the future danger from an acceptance of ambiguous formulae as a thing impossible in practical politics.

The most serious criticism of their policy, by which from the first it stands condemned, is that of Bishop Gibson's letter of December 1788, which objects utterly to the committee's initiative in such a matter as the Protestation, and asserts the exclusive right of the bishops to discuss and decide its terms. Here we can note another of the chief causes of the long continuance of the quarrel—the lack of unity among the bishops and the lack of consistency in their action. There was already one bishop wholly on the side of the committee—Charles Berington who, with his namesake Charles Butler, had played a leading part in securing signatures to the Protestation. He was already influencing Bishop Thomas Talbot, whose coadjutor he was, in the same direction, and was soon to influence him yet more. Bishop James Talbot, too, in London, shrinking before the prospect of divisions and quarrels, could never be brought to quite the same decisiveness of speech as the two bishops who were the head and front of the opposition to the committee, Charles Walmesley and Matthew Gibson. And, after all their criticism of the document's form, of its origin, of the way in which, as James Talbot objected, it was arranged by the committee and then "imposed" on them, all the bishops signed it, even, though conditionally, Matthew Gibson. The results of this weakness and division

among the bishops told increasingly in every step by which the controversy grew.

The next step—while the echoes of the Protestation dispute still sounded—was the difference of opinion regarding the proposed new Oath of Allegiance published by the committee in *Woodfall's Register* for June 26th, 1789. This new Oath,[10] in the clauses that repudiated the antisocial doctrines popularly believed to be part of the Catholic faith, was evidently modelled on the recent Protestation. In several important particulars however, there were variations. Catholics would now swear their repudiation of the right of subjects to depose or murder excommunicated princes as a doctrine "heretical," where in the Protestation they had merely denounced it as execrable and impious, and, the point around which controversy was most fiercely to rage, in their new repudiation of the Pope's temporal power they are made to swear ambiguously that "no foreign . . . prelate . . . hath . . . any spiritual power of jurisdiction . . . within this realm that can directly or indirectly affect or interfere with . . . the liberties, persons or properties of the subject thereof."

The new Oath had not the committee for its author. The committee had proposed the Protestation as signed, but the law officers of the Crown, desiring, in the interests of uniformity, that the framework of the Oaths in use should as far as possible be retained, suggested this new form. The committee, reluctantly enough it would seem, assented to the principle of a new Oath and passed on the Government's suggestions to its three clerical members, and on their approving them, adopted the Oath as their own. Two of these three ecclesiastics, it will be recalled, were bishops, James Talbot of the London District and his brother's coadjutor Charles Berington. How much of this was known at the time it is hard to say, nor do we even now know much more than this of the details of the long negotiations between the committee and the ministers during the weeks when the committee were meeting daily.

Bishop Walmesley was notified of the new development in a letter from Charles Butler and, alarmed, proposed immediately a meeting of all the bishops to consider it. Delay followed delay

and the desired meeting did not take place until October 19th, 1789. On that day, from the convent at Hammersmith that was Bishop James Talbot's residence, the bishops unanimously condemned the Oath, declared many details of the Bill wholly unacceptable, and issued a joint encyclical letter publishing the condemnation and warning Catholics against taking any Oaths or committing themselves to any schemes without previous instruction from the proper ecclesiastical authority. In a further private letter to the leading members of the committee, Walmesley, for the bishops, entered into more detail though, conformably with the bishops' resolution of 19th October, he did not give the reasons for the condemnation. That day he left for the West and returned to Bath and published the condemnation immediately.

The vigorous joint action of the bishops was as unexpected to the committee as it was unprecedented. They besought the three bishops still in London to delay its publication, and they assented—Gibson, however, publishing it as soon as he learnt it had been published in the West. With the two others the committee had greater success, for, in the hope of conciliation, and not to prejudice the chance of peace, the two Talbots adopted the policy of delay, and, in the event, never published the condemnation at all. United action on the part of the bishops had ended almost as soon as it began.

The committee, still anxious for the bishops' support, continued to assert the simplicity of their intentions, and to maintain that the formulae complained of were not only patient of an orthodox interpretation, but that none other had been intended nor would ever be read into them. They were willing that the Oath should be amended and, Charles Butler having drawn up the amendments, a general meeting of Catholics to which the bishops were invited was called for the 3rd February 1790 to discuss them. Two only of the Vicars-Apostolic were present, for James Talbot had died just a week before the meeting, and Dr. Gibson, fresh from denouncing in a pastoral letter the committee's "infernal stratagems," not only would not come but refused to send a deputy. At the meeting Bishop Walmesley would not agree to

the committee's request to say precisely why he condemned the unamended Oath, but his Midland brother, more compliantly, fixed on the ambiguity of the phrase foreswearing the Pope's jurisdiction as the point of offence. Butler's amendment drawn to cover this objection was then proposed and carried, and when the Oath thus amended was put to the meeting, that too was accepted with almost equal unanimity. There was in fact only one dissentient—but it was Bishop Walmesley. He returned to Bath, disappointed, no doubt, and dismayed, but his Lancashire Catholic doggedness by no means at the end. "I have prayed to my Master that this bad Oath will not pass," he said, "He will hear my prayer," and he wrote to withdraw his signature from the Protestation.

Bishop James Talbot had died on January 26th. He had never had a coadjutor, and Catholic London, for the first time in ninety years, was without a bishop. In the novelty of the situation, advice and suggestions poured into Rome from every section of the Catholic Body. The London clergy had their candidate and the committee had their candidate too, and interestingly enough they both favoured the same man—Bishop Charles Berington. The Catholic peers addressed the Pope, the aid of the Spanish ambassador at Rome was invoked; but Propaganda, with whom lay the appointment, followed the strong recommendation of Walmesley and appointed John Douglass the priest in charge of the mission at York. That however, was not until the end of August and long before that, in May, Bishop Gibson was dead of his ancient ailment the gout, and in his place, as the Northern Vicar-Apostolic, Rome appointed his brother, William Gibson, the president of the English College at Douay.

These new appointments added enormously to Bishop Walmesley's strength, and, once consecrated, the new bishops issued with him a second joint condemnation of the Oath in an encyclical letter of January 19th, 1791.[11] The previous condemnation of October, 1789 is recalled, and, the amendments made being "as far as we have learned of no moment, consequently the altered Oath remains liable to the censure fixed on the former Oath." The bishops repeat the prohibition against

subscribing unauthorised Declarations, and remind Catholics that they cannot in conscience take the Oath as amended since it lacks their approval. They then proceed to censure the committee—by name—for its usurpation of the episcopal prerogative "to determine on the lawfulness of Oaths, Declarations or other Instruments whatsoever containing Doctrinal matters." The letter bears the signature of Walmesley and his two new colleagues.

Bishop Thomas Talbot invited to join with them had refused. The measure did not seem to him to make for conciliation, nor likely either to end controversy or arrest the progress of the Bill. Such was the tenor of his answer to his colleagues' invitation to share in their common action. To his own clergy, more explicitly, he freely expressed his approval of the Oath as amended, and while he stood by the condemnations of the Oath of 1789, spoke regretfully of the precipitation that had marked that event. And he complimented "the gentlemen of the committee" on the temper and great moderation they had shown throughout the affair. [12]

So far facts warranted the compliment for, in this sudden crisis where their domestic chaplains, almost wholly dependent on their bounty, stood out suddenly as their rulers and superiors, the committee had acted with all possible deference and respect. Members of the committee might hold eccentric views and propagate them, such as Sir John Throckmorton urging the popular election of bishops by the people, and inviting the Vicars-Apostolic to declare themselves bishops-in-ordinary without waiting for authorisation from Rome. Or they might, like Lord Petre, urging Bishop Berington's translation to London, write that "the minds of men are not in these times disposed to submit to any unnecessary punctilios of the Court of Rome" and threaten that if his time and purse, "always ready to come forward in the support of Catholicity . . . are to become the sport of Romish punctilios and lust of power, they must be directed to some other line . . ."[13] But this spirit did not as yet possess the action of the committee and, despite the bitter war of pamphlets raging since the first publication of the Oath in 1789, so far in their

language the committee had kept within the bounds of respectful subordination.

In their reply[14] to the encyclical of January 1791 the pent-up irritation of the committee vents itself only the more freely. They deny the construction the bishops have put on the proposed Oath, the responsibility of which they throw on the ecclesiastical members of the committee—two of them, they note, bishops. They complain of the harsh language used towards them, of Bishop Walmesley's describing their efforts as "injuring religion" and Matthew Gibson's phrase "infernal stratagems"; they challenged the bishop to instance even one occasion where they have interfered in spiritual matters, and finally, since Parliament meets that very day (February 2, 1791) and there is no time to lose, they suggest another conference.

Six days later the bishops—Gibson and Douglass—met the committee but without any good results. The discussion, a veritable cross-examination of the bishops apparently, and conducted in no amiable spirit, went on for over two hours till Dr. Gibson cut it short by demanding that the committee should submit "not to proceed further in the business of the Bill without the approbation of the bishops." The committee, since it had not been proved to them that the Oath contained anything contrary to Catholic faith or morals, and since acquiescence would only confirm the national prejudice against the Catholics, refused, and appealed from the bishops "to all the Catholic Churches in the Universe, and especially to the first of Catholic churches, the Apostolical See, rightly informed. More was now involved in the dispute than the particular question of the Oath. The bishops were concerned to defend the rights of episcopal authority, and it was on this point that the next attempt at conciliation broke down a few days later.

The final breach came with the committee's "*Manifesto and Appeal*"[15] of February 17th, addressed to the three bishops and afterwards published. In it they declare themselves loyal Catholics, and proceed, in language anything but filial, to read their fathers in God a lecture on the spirit in which authority should be exercised. "Surely," they proceed, "when your lord-

ships act with so much precipitancy, when you show such little attention to the forms or substance of justice, when you show yourselves so unconversant with the subject on which you pronounce your determinations so decisively; when there is so much contradiction in your opinion and so much disagreement among yourselves; it is possible to call in question the irrefragability of your articles and determinations without incurring the guilt of heresy, schism or disobedience." After a long exposition of their anarchical theory of the rights of ecclesiastical authority, and a detailed account of the dispute, they solemnly call God to witness this their protest against the action of the three bishops as a thing "imprudent, arbitrary and unjust"; as a total misrepresentation of the nature of the Bill and of the Oath and of their own conduct; as an encroachment on their natural civil and religious rights, and as derogatory from the allegiance they owe the State. They protest, anticipatingly, against any future action of the bishops grounded on the encyclicals, and once more appeal, calling God to witness it, for the purity and integrity of their religious principles, to the Catholic Church throughout the world.

The document, picturesquely described by Milner as "a stunning complication of profaneness, calumny, schism and blasphemy," was signed by ten members of the total twelve who composed the committee, and, at the head of the signatories—as with the previous refusal to submit—Bishop Charles Berington. The other clerical signatory, the Benedictine Mr. Wilkes, summoned by his own bishop—Walmesley—to submit and refusing, was promptly suspended from the exercise of his missionary faculties.

The "*Manifesto*," delivered to the bishops on February 17th, was a declaration of war. The Bill with all its objectionable provisos, its distinction between "protesting Catholic dissenters" whom it proposed to relieve, and "Papists" who would still be oppressed and against whom old disabilities were re-enacted, its provisos that contained the nullification of "uses, trusts and dispositions" for practices deemed superstitious, and that made it illegal "to found, establish or endow any religious order or

society of persons bound by religious or monastic vows," and with the Oath that had been condemned, was to make its first appearance in Parliament four days later. It was war between the bishops and the committee, and the committee had the ear of the ministers with whom for three years now they had been in negotiation. The three bishops prepared for battle.

At Dr. Walmesley's request, Weld of Lulworth wrote to Pitt, with whom he was personally acquainted, pointing out how little the committee was representative of the English Catholics, disavowing their action for himself and many others, and informing the Prime Minister that the "heads of our clergy" had condemned the proposed Oath as one which no Catholic could in conscience safely swear, for its reference to "theological questions foreign to civil allegiance." In an interview with Pitt a few days later he explained the case more fully. Pitt was sympathetic and assured him nothing should be done in a hurry, but showed how deeply the suggested difference between "Protesting Catholic Dissenters" and "Papists" had impressed him by his proposal that each class should be separately relieved in two different Bills! The bishops themselves wrote to Pitt, to the Chancellor—the shifty Thurlow—to Grenville then Foreign Secretary and Pitt's most confidential advisor, leading the House of Lords, and to Windham who had seconded the motion of February 21. Needing a Parliamentary agent they called up to London for the purpose the priest at Winchester, John Milner.

Milner's arrival in London at the close of that February day was a memorable event in English Catholic history, the entry *en scène* of the man around whose forceful personality that history was to turn for the next thirty years. From the beginning he took the stage's centre and there he remained until his virtual retirement from public life in old age. At this time he was a sturdy muscular figure of a man, verging on his fortieth year, over whose strong, confident face independence was writ large. He had been a priest now nearly fourteen years, the first two of which he had spent as keeper of the London clergy's library and the other twelve at Winchester. He was learned and his learning was wide and it was deep, but he lacked accuracy in exposition and,

a still more important defect, he not only failed to realise the inaccuracy, but seemed scarcely to understand how it could matter. His orthodoxy was instinctive and congenitally unable to understand, or make allowance for, the light and shade of another's opinion. He was a partisan by nature and, gifted with the "smashing blow" at its mightiest, in that age of controversialists he was easily among the first. "Dr. Milner in a few sentences," a typical admiring contemporary reports a sermon, "then disposed of all the calumnies of our opponents and proved conclusively the chief truths of our Holy Faith."

He lacked all sense of proportion, and if his little fishes usually spoke like great whales, it was simply that he was unconscious of any difference between the two. If he lacked humour—and the reverence in which so much of the legend has been preserved seems to show the lack as a thing his humourless panegyrists found singularly admirable—to how many of his age and to which of his many critics was it given more generously? He had the invincible courage that comes of principle. It carried him through every extravagance, whether of his own language or that of his bitter critics, and every fight began, and was fought through every minute of it, with the desperate energy that belongs to the last ditch. It was a courage that could never read the signs of defeat, and he had that happy disposition that even when he stood alone, *contra mundum*, the principle intact was all that occupied his thoughts, and of his isolation he seemed scarcely sensible.

In the event, he was, among the English Catholics, to play the greatest of parts, to cause by the striking defects of his simple character, and by personal eccentricities that perhaps his father's mental trouble explains, a succession of bitter scenes. It was not however his personal eccentricity that most embittered his Catholic opponents when they thought on his doings, nor even the harsh violence of a controversial spirit that evidently never realised that the game had rules, but the man's uniform success in wrecking their well-laid, well-supported plans time and again, whenever he conceived they were threatening, even remotely, the spiritual independence of the episcopate. He had

never for a moment been hypnotised by the splendour of the committee's ambition, and when they "tumultuously rejected" the clergy in 1782, he drafted a vigorous protest. It was never circulated, perhaps because, as was the case with his reply to the committee's address five years later, Bishop Talbot, in the interests of peace, asked him to suppress it.

In 1788, after a great deal of hesitation, he had signed the Protestation, and when the bishops in October 1789 met to condemn the Oaths, he assisted at their deliberations as theological adviser to his own bishop James Talbot. Since then he had twice written against Throckmorton's theories of popular episcopal elections, and it was therefore not merely to a theologian and a scholar, but to one well familiar, through ten years' critical observation, with every phase of the controversy, that the Vicars-Apostolic in this hour of crisis made appeal. He brought to them new vigour, a new consistency and a wholly astonishing energy in organisation.

He called on Burke and Fox and Windham. He interviewed Pitt and Dundas and Wilberforce, even three of the Anglican bishops, and Mr. William Smith, who led the Dissenting interest in the House of Commons. In addition he summarised the bishops' case in a masterly tract—written in the coach as he came from Winchester—which he managed to have distributed to every member of the House before the debate began.

The fruits of this extraordinarily active week of propaganda more than compensated for the failure of the last attempt of the bishops to arrange matters with the committee. That had broken down three days before when, the bishops having suggested a form of Oath, and then, dissatisfied with their own production, suggested amendments to it, Mitford curtly refused to introduce the Bill unless the original Oath remained unaltered. In the debate Milner's handbill played its part ; and speaking from it the Attorney-General argued the case for the relief of the whole Catholic body, not merely for the protesting Catholic dissenters willing to take this Oath.

Another handbill from Milner followed that drew on him the fire of the committee for he signed it as the agent of the three

Vicars-Apostolic and professed to speak for "many thousand" loyal Catholics. The committee invited Dr. Douglass to censure Milner, and when, finally, Milner produced his written authority from the bishops, they attempted to discredit his action with the singularly disingenuous statement that where he had professed to speak for thousands, called upon to specify "he could only produce three names . . . and we have never heard that those three persons were ever chosen by the Catholic body to transact business in their names."[16] It was perhaps the committee's gravest error, and it gave to Milner an impression of their radical unorthodoxy and bad faith that lasted as long as he lived. His second handbill was his last action as the bishops' agent. Apparently they feared his zeal, outrunning discretion, would only aggravate their difficulties, and he resigned his post to watch events and to assist them from his seclusion at Winchester. Bishop Gibson returned to the North about the same time and Douglass was left alone to fight for the bishops.

The Bill came from its committee stage altered favourably in several details—the offending style of "protesting Catholic dissenters," for example, disappeared, several changes were made in the Oath, and so amended it passed to the House of Lords. But the new changes bred yet new differences—this time between the three bishops who had so far acted in perfect accord. Douglass thought the Oath, as amended in the House of Commons, "though the several clauses of it be expressed in terms very inaccurate and untheological. . . may be understood and taken in an orthodox sense, and that the speeches of the several members who spoke on the Bill in the House of Commons, and declarations of men in power . . . encourages us to give that sense to them as the plain and ordinary sense of the terms." Walmesley dissented and got ready a pastoral letter to be published, should the Bill become law, in which he forbade his people to take the Oath. Bishop Gibson agreed with him, and the Scottish bishops took the same view. On the other hand Bishop Douglass had to support him the approval of the Bishops of Ireland. Luckily a sudden change in the Bill's fortunes prevented this difference from proceeding further.

The bishops in preparation for the debates in the House of Lords had turned once more to letter-writing. Walmesley wrote to Lord Grenville again, and even, in a last effort surely of despair, to the Archbishop of Canterbury, entreating him "to procure the suppression of the present Bill, which favour will remove my pressing anxiety, and will be at the same time a signal proof of Your Grace's readiness to vindicate the rights of episcopacy." It was in the end the intervention of a Protestant bishop that changed the Bill—one of the most distinguished scholars of the day, Samuel Horsley, Bishop of St. David's. His interest was due to his personal friendship with Joseph Berington, Bishop Berington's cousin and a strong sympathiser with the committee. He it was who drafted and induced Dr. Douglass to sign a letter asking Horsley's help. In a long speech, then, on the Bill's second reading, Horsley detailed the whole story of the domestic disputes of the Catholic petitioners, and spoke against the Oath as bound to be a source of never-to-be-ended dissensions. If the Bill could not be so amended as to satisfy all parties, let it be abandoned and next year he would himself introduce a new and better one.

The speech was the beginning of the end, and in committee, following a request from Dr. Douglass, Horsley proposed that, instead of the disputed Oath, the Oath of the Irish Act of 1774 be adopted. The amendment was carried and with it the Parliamentary crisis was at an end. Orthodoxy—thanks ultimately to Dr. Horsley—was safe and it only remained for the Catholics to resolve their formal thanks to Parliament and to one another, and to express, equally publicly and perhaps less formally, their opinion on one another's actions in the recent campaign.

A general meeting called for June 9th provided the opportunity. It was more largely attended than usual—nearly two hundred Catholics assisting, and the activities of the "gentlemen of the Mitre"[17] were the subject of much unpleasant criticism on the part of the committee. A resolution thanked the committee for its endeavours, and an amendment to include the bishops, though seconded, was in a stormy scene ignored. Lord Petre then wished to offer a resolution on the subject of his

Benedictine colleague, Mr. Wilkes, suspended since February, by his bishop. This in simple language proposed to declare that Bishop Walmesley was "a calumniator of Mr. Wilkes." But wiser counsels prevailed, and after the usual complimentary vote to the officials, the meeting ended inconclusively, unsatisfactorily, the dispute to drag on wearily for yet a few years more; and, in the tradition it created, to be for all the next generation a precedent for further trouble. The two Catholic leaders in all that time, Milner and Charles Butler, were from this moment bitterly hostile with the uncompromising hostility to which good men can be so peculiarly devoted. The strong personalities fail in tact, and the bishops whom a kindlier feeling inspires, waver in a continual uncertainty of universal benevolence. Harsh things have been said in these two years of controversy, have been written, have been published—and remain, eloquent above all the mutual explaining away that accompanies official reconciliation, surviving in innumerable books and pamphlets against the day when, controversy reviving, they shall once more come into their own. And controversy speedily reviving is to fill the next thirty years.

### (*iii*) *Catholic Relief in Grattan's Parliament* 1782-1793

"Though [the Catholics] are so grateful for what we have done," the Speaker of the Irish House of Commons wrote to Burke after the Act of 1778 had passed, "it is yet far short of justice; but I hope we shall soon complete what we have so happily begun and we cannot too soon turn our thoughts to the subject."[1] But the next four years were filled with the constitutional struggle, and the address calling the Dublin Volunteer Convention five years later could still speak of Catholic relief as the most important work yet remaining after the victory of 1782, "which neglected, our past attainments are transitory, unsubstantial and insecure."[2] The volunteer movement was rapidly declining in strength and influence, and despite such declarations favourable to Catholics, and resolutions demanding the franchise for them, the ten years that followed the Act of

1778 mark a long halt in the agitation. Then, after the general election of 1790, it revived and, as always, in the midst of political crisis.

The eight years that had gone by since the acknowledgment of the Irish Parliament's independence, had been years of bitter disillusionment for those whose efforts had forced it. The English ministry deprived of their public and legal control over the Legislature's decisions, had developed the more costly but not less effective methods of bribery and intrigue to such an extent that, given a Lord Lieutenant truly efficient in such matters, the concessions of 1782 were in practice wholly nullified. Those concessions had indeed increased the Parliamentary importance of the borough-owners, and the increased price of seats was the most notable outward sign of the change. They had added also to the importance of the English Government's Dublin agents—the junta of Irish officials on whose co-operation with the Lord Lieutenant and his secretary the golden machinery depended for its perfect functioning.

To the "men of '82," Whig aristocrats, dispossessed Undertakers and the Presbyterian democrats equally, the lesson of those eight years was that without reform of the electoral system the concessions were a mockery and a farce; and to an increasing number of the reformers it appeared impossible to reform the Parliament without wholly freeing the Catholics. It was with Presbyterian democrats that the movement for Catholic Emancipation began.

Nothing perhaps had done so much to convince the "patriot" party of the uselessness of the independence granted in 1782, as the history of the Regency Bill in the Irish Parliament. That Parliament, despite the heroic efforts of the machine directed by the Marquis of Buckingham, had found its way out of the constitutional dilemma by an Act that expressed a theory at the very antipodes of the theory adopted by the Government in London. It voted an address to the Prince of Wales praying him to assume the Regency, and the Lord Lieutenant refused to transmit it. Parliament replied by a vote of censure on the Lord Lieutenant, voted supplies for two months only and

appointed commissioners to present the address. The embarrassment of the Government was serious and might soon have been critical when the King's recovery suddenly ended the question.

"The Castle" had for a moment been powerless against the independent Parliament, but its power secured by the King's recovery, Lord Buckingham proceeded, as he promised the London ministers, to break the aristocracy again, as his predecessor, Lord Townsend, had broken it twenty years before. The usual dismissals of lucrative office holders followed, while, to the faithful, sixteen new peerages, public monies to the extent of another £13,000 a year in pensions, and some fourteen new sinecures. In the new House of Commons elected in 1790, of the 300 members no less than 108 were either placemen or pensioners.[3]

The passions stirred up by the Regency controversy in the Irish Parliament were to influence Irish history for many years to come. In reaction against the proscription that had followed their Parliamentary action, the aristocrats whom Buckingham had "broken" organised themselves in the Whig Club (June, 1789) to work for Parliamentary reform—not, of course, in any democratic or revolutionary spirit, but simply as the only means by which the Constitution could be freed from the official corruption that so falsified its practice.

But there were results more enduring than the academic posturings of the Whig aristocrats soon to be brushed aside by real revolution. The Ministry, that in 1788 seemed so near defeat, by their endeavours and the endeavours of their English allies, survived to hold office for another twelve years; and if Pitt remained throughout that time unforgivingly bitter to those who had so successfully embarrassed him, he remained no less grateful and loyal to those who had stood by him—notably to the Irish Attorney-General, John Fitzgibbon, whom he now rewarded with the Chancellorship creating him Lord Fitzgibbon, and to the fitful and moody intriguer who had "managed" for him in Ireland, his cousin Lord Buckingham. Buckingham's wife—a Catholic—was the heiress of the last Lord Nugent, and thus Buckingham was a great Irish landed proprietor, himself

created Lord Nugent with a special remainder to his second son, in 1788. Buckingham it is who for the next ten years is continually active behind the scenes of Irish political crisis, forever evoking the ghosts of 1788, lamenting Pitt's ingratitude to himself and eagerly defending the everlasting claims of the officials who had been his supporters. At least once in that ten years his peevish reproaches, or the fear of them, combined with Pitt's gratitude to overset a hope of reconciliation and to delay it by a century and more.

Buckingham, broken in health, resigned his office and returned to England in the first weeks of 1790, to be for the Fitzgibbon clique, now supreme in Ireland during ten critical years, a confidential agent of unusual power and influence. Months before his return, however, the first mutterings of the storm in France had begun, the first signs of the hurricane that was soon to drown all through Europe the noise of lesser disturbance, when on July 14th, 1789, the King's fortress of the Bastille fell to the Parisian mob. With it fell, in men's imagination, a whole system, and an ancient world; and with rapidity universally encouraging to the discontented, democracy set itself to sweep away the antique rubbish. To none were these first events of such happy omen as to the discontented reformers of the rank and file in Ireland—the northern Presbyterians who had been the strength of the movement of 1782. They had sympathised with the Americans in the earlier war, had found in their victory inspiration and encouragement, and from the French Revolution's first beginning turned to Paris as by instinct for a lead. To these Presbyterian democrats the opposition of the Whig Club was a mere domestic squabble for place between rival factions in the aristocratic oligarchy. "They dread the people," wrote Wolfe Tone of Grattan and his followers, "as much as the Castle does." Reform to be real must have a democratic inspiration, and slowly the Presbyterian reformers followed Tone's lead to the left. The force that had achieved 1782 was henceforth rent, and the two reforming policies in decided mutual opposition, their innate conservatism influencing the Whig aristocrats more and more as the Revolution gained ground.

It was in an Ireland of rapidly changing political conditions that the Catholic agitation was to be renewed, and changes as far reaching in the economic situation of the Catholics did much in turn to transform the nature of the Government's problem. Debarred for a century from effective trading, shut out by the laws restricting to two the number of apprentices from any chance of success in the country's scarce industries, lawful commercial enterprise among the Catholics had turned chiefly to money-lending. But the gradual relaxation in practice of the code and the new spirit of toleration that followed the Acts of 1774 and 1778 offered them opportunity and encouragement they were not slow to seize. So rapidly indeed did the wealth of Catholics engaged in commerce increase, that the property of members of the Catholic committee, after the secession of the landed gentry in 1792, was estimated at something like £20,000,000. More than ever was the anomaly of injustice apparent that shut out this three-fourths of the nation from all share in its political life.

With the Octennial Act of 1768 and still more with the acknowledgment of independence in 1783 something like the beginnings of political life had come to the country. The war with America, the volunteer movement and the more recent events in France had spread broadcast the democratic theory of government and a knowledge of the power of opinion once organised. In all this universal movement Catholics alone had no share, could have no share or importance since they had no political existence, and with the ever deepening sense of the injustice went an ever stronger determination to remove it, a new spirit that set no limits to the concessions it hoped to receive or extort. The traditional leaders of the Catholics were the few surviving families of Catholic gentry, Lord Kenmare their chief. But the new wealth was soon to produce a new leadership completing that divorce between the peasantry and their natural chiefs at which the Penal Code had aimed.

For the London Government the situation in Ireland in 1790 offered little but the prospect of further struggle. The colonial aristocracy—except those in the pay of the Government—were

hostile and pledged to an electoral reform that would overthrow the English influence. The Presbyterians, more hostile still, were slowly turning to doctrines and political methods copied from France. The Catholics alone were not actively disaffected towards the English connexion, and indeed from experience of its past benefits to them might be presumed to be friendly. To the Catholics then the English ministers were ready to turn, but as they surveyed the scheme's possibilities an obstacle faced them more powerful than any other influence—the bitter opposition of their own Irish officials. While the English Government, anxious for the security of the colony, was willing to make concessions to the Catholics to prevent their coalescing with the Presbyterians and to dissociate the question of Catholic relief from that of Parliamentary reform, willing to receive the Catholics within the colonial system and, their goodwill thus gained, make them the system's best guarantee against Presbyterian democrats and the "patriot" aristocracy alike, its officials in Ireland could think only of their long monopoly of power and patronage. To this junta any extension of political privilege seemed to menace their position of ascendancy, and from the first hint of change they set themselves in active opposition.

Since the previous relief movement of 1778 their control had been greatly weakened. It was now a matter of tight bargaining, and, despite the bribes of majorities, none too easily secured. There was a permanent opposition in Parliament, one section of it sincere and disinterested and led by the greatest Irish parliamentarian of the time. Catholic relief was part of that opposition's programme and Grattan, the opposition's leader, the Catholics' greatest advocate. Catholic relief, moreover, was, for ten years now, associated with the principles of 1782 and all the subsequent agitation for Parliamentary reform, and nowhere had the Catholics stauncher supporters than among the democratic rank and file of the Presbyterian north.

To relieve the Catholics politically would be to jeopardise the settlement of 1692, for it would be the end of the connexion, close almost to identity, of political power and landed wealth; and the English Government, in making its own the cause of

the Catholics, would be carrying out the most radical schemes of its Irish officials' bitterest opponents. Nowhere in the country, save perhaps among the Catholics, had the English connexion any disinterested support, and between the English Government and that support stood the vested interests to which the Government was pledged—its supporters in the crisis of 1788, the Castle. Well might one of the ministers ask—it was Dundas—"How long can the system last?"

* * * *

The new Parliament met in the summer of 1790 but merely to vote a credit for the anticipated war with Spain. With its reassembly in the following January the signs of new Catholic activity began to show themselves. The "Lower Irish," the Lord Lieutenant informs the English Government, are determined on further concession, and despite the endeavours of the Catholic gentry, of their leader Lord Kenmare at any rate, are preparing an agitation. Once more the policy in England, where the Catholic Relief Act of 1791 was going through the House of Commons, was having its effect in Ireland. Irish Catholics expected the same treatment as their English co-religionists, and though conditions in the two countries were so unlike that a policy expedient in the one was not necessarily expedient in the other, how was the Irish Government to resist the Irish Catholics' new claims?[3] "The English Bill," wrote the Chief Secretary, "has put us under no small degree of difficulty," for already the permanent Irish officials were roused against concession.

Lord Fitzgibbon, confidentially consulted, advised that the Catholic demands should be resisted *coûte que coûte*: Catholics were not to be trusted with further privileges. It would not be right to make the matter public, thought the Viceroy, Catholics would resent Lord Fitzgibbon's opposition, and Government might safely leave the problem of the Catholic demands to the House of Commons, which "will probably reject them without Government's appearing to interfere much."[4] It was the prospect of a petition from the Catholic Committee that occasioned the Lord Lieutenant's immediate anxiety. But Lord Grenville

from London reassured him. He by no means thought "that the consideration of what is doing here ought to influence the Government in Ireland." Expediency was the only guide in policy and as yet, even in England, the end was uncertain. On the subject of Catholic relief "the wish of Government must be to follow the general and public opinion."[5] But, after an internal crisis that might well have ended its existence the Catholic Committee had been reorganised. A new force had arisen and Lord Westmorland, ignorant of its power and suspicious of its direction, could not but be anxious.

The history of the committee went back some thirty years before this time to the period of the Seven Years War, to the time when military necessity had first induced the English Government to connive at the recruiting of Catholic soldiers. This first committee was the work of three men, Thomas Wyse of Waterford, Charles O'Conor of Sligo and a Dublin physician John Curry. Their attempts at organisation had met with little but opposition from the Catholic aristocracy and from the clergy, and it was only when they turned to the middle-class traders that the movement really began. They ventured to approach the Government in 1759 with an address of loyalty. Contrary to all expectation it was accepted, as was an address presented the following year on the accession of George III. But the plan for a permanent organisation, and whatever hopes the reception of the address had raised, were wrecked by the differences with the nobles and by 1763 the movement was almost at an end.

Ten years later the committee was revived, the titular Lord Kenmare at its head, and apparently played some part in the passing of the Act of 1774. The Oath that Act contains is said to have been its work and it was an address to the King from the committee, detailing some of the grievances that oppressed the Catholics, that, in 1777, heralded the first real Act of relief. Internal trouble, however, once more began when in 1783, "worked" by the Government, Lord Kenmare solemnly disclaimed for the Catholics any desire to be restored to their ancient rights. The committee of the Association led by a Dublin silk merchant, John Keogh, promptly disavowed him, and the

society's history for the next ten years is that of the feud that inevitably followed Keogh's action. The dissension came to a head in 1791 when the general committee of the association voted by a six to one majority for renewal of the agitation, and Kenmare, defeated, seceded with sixty-eight of his supporters. Henceforth the agitation was to owe all to the Catholic middle class, and John Keogh's influence was to be supreme. In the re-organised committee he acted as chairman.[6]

It was then in a spirit of independence surprisingly new, that the re-organised committee opened its campaign in the autumn of 1791, and its manifesto demanding the abolition of the whole Penal Code was written in language of such vigour as made it apparent that for Ireland a new age had at last dawned. The contemptuous reception by the Irish House of Commons of the Petition of 1791, and the assured insolence that refused the deputation to the Castle even the courtesy of an answer, were not to be risked a second time ; and the committee's next deputation was, cleverly indeed, over the heads of his representatives to the King himself. Negotiations were opened with the traditionally favourable Ministry in England, and immediately the difficulty appeared before which all statesmanship then and for more than a century was to give way, the fixed determination of the Ascendancy in Ireland to allow no change.

Lord Buckingham—in close communication with the Castle junta ever since his retirement—warned his brother Grenville, at the moment Pitt's most confidential adviser, that his official correspondents only confirmed what he had always felt: "the supporters of the English Government in Ireland will see no safety except in the idea of supporting the Protestant monopoly of Government and privilege by the force of Great Britain upon the footing upon which it has been created by Queen Elizabeth and maintained ever since, without adverting to the very wide difference of the present hour in the political state of Ireland, and without adverting to the truth of one proposition which I have stated to him [the Chief Secretary, Hobart] roundly, namely that Great Britain is mad if she sends a man or a guinea to Ireland for such a purpose."[7] Hobart in fact was recommend-

ing, with a directness that reads naïvely enough, that the English Government should as a policy support Protestant against Catholic since the common Ascendancy hostility to Catholicism is the surest of links to bind the two countries together.[8]

Trouble and unpleasantness there was bound to be whenever the question was brought forward, and trouble chiefly, as Dundas shrewdly noted, from the fact that panic and apprehension rather than reason decided the policies of the Irish Government.[9] Richard Burke, now the Committee's secretary, before the deputation's arrival, had been actively at his task, and by the time they were received by the King the English Government had decided on the measure of reform it was prepared to support. Fear of an alliance between Catholics and Presbyterians had been before the English ministers' minds all through the year 1791. Tone's pamphlet urging the alliance as the best of strategies to win a reform of Parliament, was selling as no pamphlet had sold since Swift, and in the October he had founded his Society of United Irishmen to work for that reform and the complete political equality of the Catholics. Even Buckingham urged that some concession should be made, and finally the minister in charge of Irish affairs, Dundas, wrote to the Lord Lieutenant, December 26th, 1791, a lengthy *exposē* of the Government's mind on the question. "The measure of relief is determined," Richard Burke had told his father ten days before, and, more accurately, "they are convinced of the necessity of conciliation and gaining the Roman Catholics to the interests of Government."

"It is essentially necessary," Dundas now informed the Irish officials, "to give a favourable ear to the fair claims of the Catholics of Ireland." The discontent their present total exclusion provokes is more dangerous than the "moderate and qualified" political rights that, it is suggested, should now be given them. This is written not as a decision, but as the considered opinion of the London Government for the guidance of its Irish agents. To the Lord Lieutenant warning is privately given—and again, as so often, one seems to catch an echo of Buckingham's influence—that public opinion in England will

not readily lend aid and money merely to preserve one description of Irishmen in their position of monopoly and the Catholics in a state of political proscription. "There cannot be a permanency in the frame of the Government and Constitution of Ireland unless the Protestants will lay aside their prejudices, forego their exclusive pre-eminence, and gradually open their arms to the Roman Catholics, and put them on the same footing with every other species of dissenter."[10]

The liberalism of such sentiments in an English minister of 1791 may seem incredible as the subsequent tragedy is recalled, and incredulous in the extreme were the Irish officials when the Lord Lieutenant announced to them the wishes of the Government.

"The first and natural turn of every mind was for resistance *in limine* and *in toto*" he wrote back to London. Finally they gave a reluctant assent to the suggestions that Catholics should be admitted to the professions, given facilities for education and allowed to intermarry with Protestants. But to the notion of allowing them any share in political life, whether by admission to the grand juries, or by the concession of the electoral franchise, they opposed themselves with desperate obstinacy, using every available argument to alarm the English Government and infect it with their own affected panic. And they were very largely successful.[11]

But the Viceroy's main protest was against Pitt's suspected design of ruling Ireland through an understanding with the Catholics. "The connection between England and Ireland rests absolutely upon the Protestant ascendancy," his Chief Secretary told Pitt,[12] "If you are to maintain a Protestant ascendancy, it must be by substituting influence for numbers"; and Westmorland himself summed up the system he was defending: "a Protestant garrison . . . in possession of the land, magistracy, and power of the country: holding that property under the tenure of British power and supremacy, and ready at every instant to crush the rising of the conquered."[13]

The Chief Secretary left for London the better to defeat the reforms, and finally, January 25th, 1792, was able to reassure

his chief "all idea of a Catholic game (if such was ever entertained) is at an end and . . . the British Government will decidedly support the Protestant ascendancy; which opinion seems to have been Pitt's from the beginning, and Dundas's ultimately." [14] The proposals to give Catholics a vote and the use of arms were abandoned. Abandoned too the idea of relief as a Government measure, though Pitt was successful in preventing any pledges against further relief at a future date.

The Catholic Relief Act of 1792 [15] introduced by Sir Hercules Langrishe, was then a private Bill, but, with the Government in support, it went easily through all its stages, and with scarcely any opposition. It threw open to Catholics the profession of law though they remained excluded from judgeships and the position of King's counsel. It repealed the laws that forbade the intermarrying of Catholics and Protestants, though Catholic priests were still forbidden to officiate at them; it repealed the laws forbidding education abroad; it allowed Catholics to establish schools without the till now necessary licence of the Protestant bishop, and it removed the restrictions that limited to two the number of a Catholic's apprentices. For the qualifying Oaths of Allegiance and Supremacy provided by the Acts now modified, the Oath of the Act of 1774 was once more substituted. The Catholics had been granted relief but grudgingly, reluctantly, in a spirit that would gladly have seen in this act the limit of all possible concession. But the Catholics built on the goodwill of the English Ministry, and the Langrishe Act through, set themselves immediately to the next assault. The Irish Government as readily turned to the work of justifying to their English masters those predictions as to the extent of the colony's anti-Catholic feeling by means of which they had so successfully countered the statesmanship of Dundas.

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The Catholics lost no time. The Bill of 1792 was not yet law before they had laid a further Petition before the Irish Parliament, and when, with a novelty of procedure that marked at once the Ascendancy's irritation at the slight success just obtained

and its security that the success was final, the Petition after a few days was ordered to be removed from the House, they once more cast about for a new and better approach. "It will be the affair of your committee to be noisy and importunate beggars," wrote Burke on this occasion, "and not to suffer those to enjoy any rest who will give them none. . . Are the committee irritated or are they frightened at this contumelious treatment? If they are frightened, and by their fright induced to dissolve their union or to abate one of their efforts or abandon any one of their claims, it is all over with them. The scantiness of their claims has produced no other effect than to give people a colour to say, that even in their own conscience they are satisfied they are entitled to very little, and that whatever they may pretend, great caution ought to be used in trusting them with any sort of Constitutional liberty."[16]

Catholics in the past had been frightened, and frightenable, often enough. Servility in the presence of the dominant caste had in fact been one of their most evident characteristics. Burke could note that in his own time of observation this had grown less and less notable, and with the advent of John Keogh it was to disappear for ever from their public action. "A damned fine fellow and the only Catholic of courage I ever knew" a Protestant friend to his cause was to say years later, and the truth of Keogh's boast in old age, that he had made men of the Irish Catholics, is perhaps his best praise. For the first time an attempt was to be made to organise Irish Catholic opinion.

As in England three years earlier, a disclaimer of the doctrines falsely credited to Catholics was issued, and published in the press on St. Patrick's day. Then invitations were sent throughout the country to elect representatives to sit with the committee in Dublin—to form nothing less than a gathering truly representative of the Irish people. This great convention of delegates was "to assist by their advice and influence, the measures adopted by the committee to procure for the Catholics the electoral franchise and an equal participation in the benefits of trial by jury." A carefully worked out scheme for the election of delegates was prepared and uneasy minds quietened by publishing the

opinions of leading lawyers that the proceedings were in no way contrary to law. Meetings of Catholics—another novelty—began to be held all through the country, and a publicity campaign speedily roused their enthusiasm on a national scale. The clergy at first held aloof from the committee's invitation but, in a great tour of the south and west, Keogh won over more than one of the bishops to active support and others to at least a benevolent neutrality.

Much of the success was due to Keogh's personal work, and to his co-operation with the new secretary the committee had gained in place of Richard Burke—no less a personage than the founder of the United Irishmen, Wolfe Tone himself. Gradually, all over Ireland the machinery began to work and on 3rd December, 1792 this first really Irish convention met in Dublin—231 delegates and several of the bishops.

By the officials in Dublin the renewed Catholic activity was viewed with the greatest anxiety, and once more not the least of their grounds for anxiety was the evident confidence of the Catholics that in the last resort the common master of Catholics and Ascendancy was liberally disposed—the Government in London. To London then poured in unceasingly warnings of the disaster any new concessions entailed. "I am convinced," wrote Westmorland, "you might as well attempt to carry in the English Parliament the abolition of negro slavery, a reform of representation, or an abolition of the House of Lords in the House of Lords, as to carry the Irish Parliament a step towards the franchise."[17] Every concession made to the Catholic Committee, it was urged, would only increase its power with the electors and, eventually, bring about a total reform of the present Parliamentary system. The Grand Juries throughout Ireland set themselves under Castle inspiration to a systematic denunciation of the Catholics and to a renewed exposition of the ancient truth, accepted in 1688 as the new régime's very foundation, that no Catholic could be a loyal citizen; while the press subsidised by the Government began slowly to fill with the most violent anti-Catholic scurrility.

"Every calumny," wrote Richard Burke to his father,[18] "which

bigotry and civil war had engendered in former ages was studiously revived. . . Every man, nearly in proportion to his connection with or dependence upon the Castle (and few of any other sort), expressed the most bitter, I may say bloody, animosities against the Catholics. This temper was nowhere discouraged." The corporation of Dublin in a resolution of loyal attachment, offensively proclaimed the object of their faith—Protestant ascendancy, "a Protestant King of Ireland, a Protestant Parliament, a Protestant hierarchy, Protestant electors and government, the bench of justice, the army and the revenue through all their branches and details Protestant; and this system supported by a connection with the Protestant realm of England."[19] The Catholic Petition had been thrown into the gutter a few months earlier. In striking contrast the signatories of this offensively insolent challenge were fêted with all the honour of a state banquet.

As the Catholic movement made headway, and the meetings began to be held and the delegates to be elected, alarm and indignation grew. "The general Catholic Committee," Westmorland in November informed Dundas, "have already exercised most of the functions of a government. They have levied contributions—they have issued orders for the preservation of the peace—a circumstance perhaps more dangerous than if they could direct a breach of it . . ." The alarmed loyalty of its Irish officials to the system that provided them with jobs, found little response in Pitt and his colleagues. Ireland was still to them the colony, and their one care its more profitable exploitation. War they certainly did not want, but they were as little inclined, for the sake of the system, themselves to go to war.

The Protestants, Buckingham advised his brother (23rd September, 1792), were indeed powerless without help from England, yet for England to interfere would be folly. What had she to gain from interference? Let the Irish Parliament raise an army and save itself if necessary. Great Britain should remain neutral "under the certainty that, whether the Government be Protestant, Catholic or Turkish, we cannot get worse terms for the protection and advantages we give them than we have now

got." His long experience of Irish affairs—he had twice, it will be remembered, served as Viceroy—led him strongly to deprecate "any encouragement to hope for assistance from this country . . . in a struggle where . . . we have nothing to gain and nothing to fear by the result." The root of the trouble was the system of government "so outrageously defective it cannot last long."[20] A last advice in his letter of 14th October, 1792, ends on a sinister note, expressing as it does the cynical indifference of the English Government to any of the questions whose delayed consideration was so surely setting the country ablaze with faction. Buckingham would have the English Government stand aloof from the whole affair, promise not a man not a guinea, "unless, and here ends my Irish chapter, the Protestants would give us for our interference and for our expenses, or the Catholics would give us for our neutrality and for our non-expense, the one thing which alone can secure those real and solid advantages to the empire, which would maintain a real Protestant ascendancy in Ireland even if every elector and every elected were Catholics, I mean an Union."[21]

The Catholic convention, when it finally met on 3rd December, 1792, acted with remarkable prudence. It showed the loyalty to the Crown that had throughout the century characterised the Irish Catholics, when, though thanking the northern dissenters for their sympathy and assistance, it refused to associate the Catholic movement with the United Irishmen. It was equally careful to dissociate the Catholic claims from the question of Parliamentary reform and, with a practical appreciation of the realities of the political situation, it determined once more to appeal from the Irish Parliament to its London masters. A Petition for the complete restoration of civil rights was drawn up, and a deputation named to present it to the King.

The deputation arrived in London in the first week of January, 1793, and, as in the previous year, was sympathetically received.

The English Government, so long unresponsive to Westmorland's excited appeals to maintain by force of arms the threatened Ascendancy, had once more decided on an inexpensive liberality. In their decision, Buckingham's careful analysis of the real nature

of Ascendancy loyalty no doubt played its part—the Act of 1793 is almost to the detail the scheme recommended in one of his letters (11th December, 1791)—and Richard Burke's memoranda, written from quite another point of view, bore him out. The convention, moreover, was itself a phenomenon whose real nature no ministerial experience could gauge, and Pitt is found fearing that any opposition to it "would be the signal for a general rising." The colonists in Ulster, the very *raison d'être* of the system, were steadily drifting away from ancient loyalties, disaffection there, wrote the Viceroy, and "the levelling system, under the mask of reform . . . spreading furiously."[22]

Finally revolution in France developing rapidly came to add its influence. The monarchy had gone and the new republic was preparing its crusade to free the peoples of the world. War with the new France was bound to come very soon. "Under the present circumstances of this country and Europe," Dundas wrote to the Viceroy, "it is particularly desirable, if it be possible, to avoid any occasion which might lead those who are in general attached to order and to regular government to join themselves with persons of opposite principles. It seems, therefore, to be of the utmost consequence not to lose the assistance of the Catholics in support of the established Constitution."[23] The order to adopt measures of conciliation accompanied the letter, and, reluctantly enough, the Irish administration proceeded to enact the relieving measures, which twelve months before Lord Westmorland, with all the emphasis of political simile, had declared to be beyond the bounds of possibility. "Fear and imperious necessity," said Fox ten years later, were the cause of the English liberality, and it seems hardly necessary, in order to explain the lengths to which Pitt was prepared to go, to see in his action the beginnings of a Machiavellian plot to destroy the Irish Parliament.

The speech from the throne—10th January, 1793—bade the Irish Parliament apply themselves "to the consideration of such measures as may be most likely to strengthen and cement a general union of sentiments among all classes and descriptions of His Majesty's subjects in support of the established Constitution.

With this view, His Majesty trusts that the situation of His Majesty's Catholic subjects will engage your serious attention. . . ."—a paragraph written in England and peremptorily ordered to be inserted.

The Relief Act of 1793[24]—introduced February 4th; royal assent, April 9th—begins with a brief sentence that reverses much of the legislation of centuries. Catholics for the future "shall not be subject to penalties, incapacities, forfeitures . . . other such than Protestants are liable to." The Oath that requires a voter, as qualification for voting, to deny that he is a Catholic, is abolished, and a new Oath of Allegiance is provided. All the civil and military offices and places of trust and profit, with a few exceptions, are thrown open to Catholics, and membership in lay corporations. Parliament however, remains closed to them, and they are still shut out from the great offices of State. To qualify for the relief the Act grants, Catholics are to take the two Oaths of Allegiance, the one provided by the Act of 1774 and the new Oath contained in this Act.

Once more, in the history of the nine weeks that the Act was before the Irish Parliament, we find evidence upon evidence of the reasons that forced it through. The officials who had fought so bitterly against its principle since 1791, who had succeeded in excluding that principle in 1792, and who had since done all that lay in their power to prevent any renewal of the discussion, now in 1793, as good men paid with good places, set themselves to work the machine that the thing they hated most might become part of the law of the land. They had no choice, would they keep their jobs, but to secure that the Irish Parliament registered the will of the London Cabinet, and "at no stage in the debate, the most important in the history of Ireland since the repeal of Poyning's law, was there a formal division on the principle of the Bill." Nowhere in all this degrading conflict of rival interests, at heart so cynically indifferent to principle, does the current political immorality display itself so naked and so entirely unconscious of shame as in the speech *for* the Bill made by the Government leader in the House of Lords, the Lord Chancellor, Fitzgibbon.[25] The Bill, he found, in a

long harangue, where scorn and hatred of the Catholics gave new force to every word, was "a most indiscreet and precipitate experiment . . . in principle unwise and pernicious," and the disorders consequent on its passing, that he prophesied as inevitable, he willingly proceeded to lay by anticipation on the shoulders of its English authors.

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"I much fear," Lord Grenville had written two years before,[16] "that it will end in [the Irish Government's] giving way too late, without either having the credit of liberality, or deriving the benefit of attaching to English Government that body which composes the effective mass of the people of Ireland." The fullness of the mischief he feared had not yet been wrought. The Catholics in 1793 were still untouched by the disaffection that was rapidly gaining the Presbyterians. What secret societies existed among the Catholics and the crime for which they were responsible were, as yet, the product of local social disorders. The United Irishmen were still in the main little more than an academic society of intellectuals, the reformers of the Whig Club still in possession. Outside one small plague spot in the north, religious faction fighting was unknown: there was no Orange Society, no harassing of Catholics, no Government connivance. But the final question—the complete emancipation of the Catholics—was already in the order of the day. The Catholics, flushed with the success of 1793, were more hopeful, more determined than ever before, and if it was evident that in the Irish Government they had an ascendancy professedly anti-Catholic, the supreme power in London was still independent. The next few years were to see a mighty change, and the new discussion of the possibility of Catholic Emancipation in the system of 1688 was to be begun and ended under new political conditions, the chief of which, that determined for the rest of the period the nature of that discussion, was the surrender of the English Government to the new militantly anti-Catholic Ascendancy in Dublin.

## Chapter II

# THE CATHOLIC QUESTION EMERGES 1793-1807

### (*i*) *An Age of Repression*

To the principle that underlay the different Catholic Relief Acts the ruling aristocracy had made no opposition. There was no longer any desire to see Catholics liable to fines for not assisting at Protestant worship, to imprisonment for hearing Mass: not so long as they kept their newly pledged allegiance would any objection be made to their living their Catholic life; and, thanks to this kindlier spirit, the Bills passed through both Houses of Parliament without any division other than on the details of the grant. These easy debates contrast strikingly with those which in the United Parliament were to fill the next thirty years, and the contrast is significant.

It was in fact a different question altogether that was proposed when Catholics, relieved from a code of fines and imprisonment, sought re-admission into political life, a difference immediately recognised by the very power that had so easily relieved them, and the new Catholic petition from the beginning aroused the strongest opposition. To be fair to that opposition, to understand how for a whole generation it maintained its power, and how for so long it succeeded in delaying reparation apparently due in elementary justice, the story must once more be read in relation to the general social and political history of the time.

It was a time of grave domestic crisis, the product of rapid and revolutionary change in the nation's economic life, and of a long and not too successful war against a principle that threatened changes as revolutionary in the nation's political structure. This grave crisis endured for a period of some forty years, and while abroad the ruling aristocracy persevered doggedly with the

war, at home it opposed a refusal as dogged and persevering to every least expression of the spirit of change. To the hope of long-delayed long-overdue reform the Government had all through that time its obstinate uniform reply—repression—and that half century stands out, the golden age in English history of civil tyranny. "From the beginning of the century," in the well-known phrase of Sydney Smith, "to the death of Lord Liverpool was an awful period for those who had the misfortune to entertain liberal opinions," [1] and Lord Liverpool's own earlier words, speaking in 1794 against a motion to modify the barbarous game-laws, are the system's apologia, "a time when every deviation from *legal custom* ought scrupulously to be guarded against." [2]

The political grievances were real, the social distress acute, but perseveringly through forty years the governing aristocracy refused to believe the one or to discuss the other. It was indeed for the mass of the nation a period of privation and want—the long twenty-four years of almost continuous war, the ruin of the peasantry that was one of the most immediate effects of the revolution in agriculture, the distress that had already become the lot in life of the populations whom the new industrial organisation had enslaved, and the terrible years of trade depression that followed the peace of 1815.

Discontent with the abuses of the political system went back to the days of costly blundering that lost us the colonies in North America, and reform had, ever since, been part of the political *credo* of the good Whig oligarchs whom George III finally broke when he installed Lord North. Then came the events of 1789 in France, and the theories and ideals, that for fifty years had been the matter of polite discussion among the aristocracy's intellectuals, seemed and in a moment to be realised in actual fact. The effect in England was immediate and tremendous. The Revolution was a practical demonstration of what the principles that justified 1688 could do, given a generous logic in their application. It was a demonstration that could not but test the necessary identity of the principles of 1688 and the system then set up. So generous a logic in their application might perhaps have shocked the placid Mr. Locke: it certainly shocked the

prosperous heirs of the Revolution his philosophy had done so much to hallow. The theory was too much for the system, and at the sudden sight of its supposed begetter the Whig party collapsed, the political factions, to which interest and traditional family ranging alone had given reality, coalescing before it in the common cause of privilege, and leaving with Mr. Fox, to defend the once sacred gospel, only the scantiest unfashionable minorities. For that gospel in even the shyest of its manifestations the oligarchy had for the future only the sternest of persecution, and events fell in wonderfully to make that persecution safe, for the atrocities of the revolutionaries won it the support of all right-thinking citizens.

From the declaration of war with France in 1793 sympathy with the political persecution became the test of patriotism, and every reformer was henceforth a Jacobin, as every critic of the war was a traitor. But the persecution was older than the war, older than the atrocities, and it was really Grey's invocation of the spirit of popular sovereignty in his aristocratic *Society of the Friends of the People* that sent all but a few of the Whig magnates scattering to make common cause against it with the ancient foe. Before the new danger the ranks of privilege closed immediately in preparation for battle.

Scotland, politically dead for eighty years and more "corrupt and contented" under the rule of Dundas, began slowly to awake to life in a movement of clubs and debating societies that culminated in a convention that met in Edinburgh in the December of 1792. The Government struck, and after trials that bristled with irregularities, and earned the presiding judge, Lord Braxfield, a place beside the Scroggs and Jeffreys of English history, the leaders were savagely punished. Then it was the turn of reformers nearer home, and in 1794 officials of the chief of the English clubs—the London Corresponding Society—were put on their trial. Thanks to the masterly defence of their counsel—Erskine—the prosecution failed and amid scenes of extraordinary popular joy they were acquitted. The next year distress and want reached almost their worst. Throughout the south and west of England the peasants were dying for lack of food,[3] and

the new industrial towns were beset by mobs of starving work-people.

Vigorous action was evidently necessary. Additional troops were drafted to the capital, and in a London filled as rarely before with soldiery, Parliament passed the new code of civil repression under which, as Fox truly said, a man might be sent to Botany Bay for such an exercise of his intellect as to compare the Parliamentary representation of Manchester and Old Sarum. It was in this debate that the Bishop of Rochester made his famous declaration that he did not know what the mass of the people had to do with the laws except to obey them, and Lord Malmesbury, seeing the preparations made to repress rebellion, could only lament that it was so slow in showing itself.[4] The facts of the case were, of course, that there was no rebellion, nor except in the minds of a few negligible fanatics, easily dealt with by ordinary process of law, any desire for rebellion or revolutionary change. The mass of the people was "Tory to the core." But panic possessed the Government; to share that panic was for the moment the touchstone of political orthodoxy and, as ever, Pitt led the fashion once he found it necessary to succeed to it.

The war continued to go badly. Napoleon, in the darkest hour to which traditional incompetence had brought the military machine, had arisen in France and was making his first wonderful flight from victory to victory in Italy. The fleet, desperate with the abominable conditions of life, mutinied, and in a great financial crisis the Bank of England ceased to pay cash. "Torn as we are by factions, without an army, without money, trusting to a navy whom we may not be able to pay, and on whose loyalty, even if we can, no firm reliance is to be placed, how are we to get out of this cursed war without a revolution?"[5] It was Lord Cornwallis, soon to be Lord Lieutenant and Commander-in-Chief in Ireland, who thus summarised the desperate position. And still the Government clung to its one domestic policy, Insurrection Act, Sedition Act, suspension of Habeas Corpus.

The debates these Acts occasioned are the last signs of political life in England for twenty years, and, despairing even of the

usefulness of protest, Fox and his handful of Liberals ceased to attend the House of Commons. Repression thence onwards went its way without even a protest.[6] Arbitrary arrests were the order of the day, suspected reformers were imprisoned without trial and treated in prison as the worst of felons. The press, of course, was effectively gagged for a generation, and, for example, between 1809 and 1822 no fewer than 500 editors or writers were in prison.[7] Public meetings entirely disappeared and even the debates of college boys had to be disguised in classical parallels. The sinister influence of Bishop Tomline, Pitt's old tutor and private secretary, endangered for a moment even the Toleration Act that was the Protestant nonconformists' security against persecution; and so easily, that few details survive to show whence they originated, the Combination Acts delivered over the new industrial civilisation to the unhindered brutality of the new capital. The slave trade took on a new lease of life, and while in England the Home Office created a system of spies and *agents provocateurs* that was to function for thirty years, in Ireland Terror, designed and undisguised, reigned supreme. Liberalism was dead, and Pitt even cast about for a means to imprison its chief. "It was the hour of Dundas and the powers of darkness."

In all this movement of repression, bred perhaps of a panic but speedily hardened into a system, the Government found only too often a ready ally in the clergy of the Established Church. "Loyalist" and "Church" went hand in hand as commonly as "Dissent and Reform," and to the aristocracy's degradation of the national religion in the interests of its ascendancy, many a bitter page of Sydney Smith bears witness.

In such an age no measure of reform, social, political or religious but, as Romilly's Memoirs sadly note, had to face the opposition not merely of a stupid dread of innovation but of a spirit truly savage.[8] The horrors that provoked the Irish Rebellion of 1798, the cruelties that accompanied it, the vileness of the succeeding Parliamentary negotiations, seen in their proper setting lose a little of their incredibility, and we can even, perhaps, realise that Lord Kilwarden—the Irish Lord Chief Justice murdered in Emmet's rising—a good lawyer, a good

judge and not a bad man, could, after the Union, advise the English Government "to govern by a strong military force and keep down the Catholics by the bayonet."[9] It was truly "an awful period for those who had the misfortune to entertain liberal opinions" and opposition, well-nigh universal, to the new Catholic Question was almost inevitable; almost inevitable, too, while such a spirit ruled the mind of the governing class, the fulfilment to the letter of Burke's prophetic fears "[Catholic Relief] will not be done in the best, the most conciliating and the most politic mode. In the present state of Europe . . . it is of infinite moment that matters of grace should emanate from the old sovereign authority. . . Above all that no harsh measure should seem the result of any unalterable principle of [the King's] Government; for that would be to leave the people no hope from any quarter from which alone I should wish them to hope everything. . ." This he wrote in 1792.[10] What a commentary on his words the next ten years supply with stupidity of the Ascendancy associating fatally and for ever "the harsh measure," "the unalterable principles" and "the old sovereign authority!" What a commentary the century of Irish disappointment and despair that followed the final act of emancipation !

The history of the first phase of the Catholic revival in the aristocratic state is local in character. The movement for Catholic Relief fares differently according to the different circumstances of the three countries where it is in agitation. The final phase of the long fight belongs to the Imperial Parliament at Westminster. It is the first chapter of the domestic history of the United Kingdom. But in the critical middle period the setting is purely Irish. It is in Ireland that the question of the readmission of Catholics into the State is first proposed, that the aristocracy is first led to consider the reversal of its outlawry of the Catholic Church, and this circumstance, and the peculiar political conditions that in those fatal ten years obtained in Ireland, influenced and determined the conditions of the subsequent discussion and the spirit of the ultimate concession. It was in the Ireland where Fitzgibbon was lord that the Catholic Question emerged, at a moment in the colony's history when, the native interest rapidly

reviving, the oligarchy had no choice but to acknowledge or to reconquer it. Acknowledgment it was most unwilling to make. Re-conquest without the aid of its London masters was impossible, and the curious history of the Act of 1793 might in all its dangerous uncertainty have been prolonged indefinitely had not a re-alignment in English political life suddenly brought uncertainty to an end.

With that re-alignment the Catholic Question emerges, comes, in the next twelve years, into the very first rank of domestic problems and by the end of that time has definitely divided the factions of the aristocracy. By 1807 the issue is clear, the differences determined and the politicians set in their advocacy or opposition. But the important period, the gestation, is that which lies between the entry of the Whigs into the Cabinet in 1794 and the last triumph of George III over them in 1807. Its three phases can be conveniently summarised in the name of the men around whom the action chiefly centred, Lord Fitzwilliam, Pitt and the King himself.

### (*ii*) *Lord Fitzwilliam*

It was as something incidental to the political manœuvrings necessary to maintain Pitt's political supremacy, that the Catholic Question entered English politics. More and more as the private papers of the statesmen of the time are made known and the working of its political machinery more closely studied, does it seem to be shown that Pitt's position—in the first ten years of his Premiership—was little different from that of the other Prime Ministers of the reign of George III. Like them he was dependent for his majorities on the shifting combination of the royal pleasure and the goodwill of the territorial families. Less perhaps than any of his predecessors could he, in this early period at least, place much reliance on the support his personal prestige might rally. An analysis of the House of Commons of 1788, for instance, which Sir Charles Grant Robertson[1] has published, gives him, out of the 558 members, a mere fifty-two personal supporters and of these only twenty certain to be

returned were he to resign. "Independent or unconnected members" are set down at 108, Foxites at 138, and "the Party of the Crown, i.e. all those who would probably support His Majesty's Government under any Minister not peculiarly unpopular," at 185. After the general election of 1790 his personal position was, it is true, somewhat improved, but it remains no less true that the opening of the Revolutionary War found Pitt still in power as the King's minister. The royal support and the collapse of anything like unity in the opposition were the chief sources of his strength.

For thirty years now the Whig factions had been George III's opportunity. Between his forced parting from Bute in 1763 and his successful insistence on North seven years later there had been four Whig Premiers, and it was from out the renewed chaos of Whig factions following North's retirement in 1782, that at the Christmas of 1783, Pitt, twenty-four years of age, had emerged supreme, the fourth Prime Minister in less than two years. His precocious parliamentary skill, and the blunders of his disappointed and disgusted rivals, saved him in more than one crisis in the ensuing years, but in the circumstances crises could not but be chronic, and, as the war with France drew nearer, he more than once negotiated for a coalition. A new division amongst the Whigs—due this time to the fatal introduction into political life of a real issue—made the task easier.

The Burke-Fox dispute of May 1791 first advertised the new disunion among the Whig chiefs, and this personal difference, thanks to Grey's *Society of the Friends of the People*, founded in the April following, soon developed into a more serious and permanent division.[2] Pitt's position was at the moment critical. The King had serious thoughts of dismissing him,[3] and, Grenville agreeing, he turned to the possibilities of a coalition with the unwhigged Whigs. For the moment nothing came of the notion, but, though too the later negotiations of October-November 1792 were not any more successful, the idea was not abandoned, and the possibility of a union even with Fox was entertained and as late as the January of 1793. Finally, in the June of 1794

the long expected happened and the main body of the Whig party followed its leaders over to Pitt—the Duke of Portland, whom Pitt eleven years before had replaced as Prime Minister, going to the Home Office, Earl Spencer to the Admiralty and Windham to the War Office: Earl Fitzwilliam became Lord President of the Council.

Once more it is interesting to note the close family relationship between these great Whig nobles. Portland's wife, sister to the Duke of Devonshire, was first cousin to the Countess Fitzwilliam, while of Spencer's two sisters one—the famous Georgiana—was married to Devonshire, and the other to Lady Fitzwilliam's brother the Earl of Bessborough. Lady Fitzwilliam—and here the genealogy is more than merely interesting—belonged to the great Irish colonial sept of the Ponsonbys. The two members of this house who, with her husband, were the centre of the political storm now preparing were her first cousins, and another first cousin by marriage was the Earl of Shannon. Shannons and Ponsonbys had together shared the responsibilities and pleasures of office in the colony until the day when the London Government took it in hand to break the Undertakers, and the admission in 1794 of so many of their English relatives to the Cabinet seemed to promise in the new generations a renewal of the places and the spoil lost to their fathers twenty years before. That these Irish Whigs would in fact displace the men whom they had opposed in the Regency crisis, and whom the King's sudden recovery alone had then saved, seemed more certain still from Portland's nomination to a department that then exercised a control over Irish affairs, and from the promise that Fitzwilliam should himself go to Ireland as Viceroy.

To some of Pitt's Tory colleagues too, the admission of Portland and his supporters into the Government seemed from the first to promise changes in the Irish administration, and the Attorney-General, Arden, drove at the heart of the trouble when in the September of 1794 he wrote excitedly to Pitt: "for God's sake, take care that the new Lord Lieutenant does not throw the Government back into the hands of Lord Shannon and the Ponsonbys, nor turn out those who behaved well during

the King's illness to make way for those who behaved directly the reverse."[4]

It was in the first days of July that Pitt accepted Portland's demands that Fitzwilliam should go to Ireland, but not until December 10th did he kiss hands as Viceroy. The intervening months were filled with negotiations, many of whose details remain obscure and concerning which we are often at the mercy of conflicting denials. Their general purport, of course, was, as ever, to reconcile the irreconcilable, to secure that in the new *régime* the adherents of the old policy should not lose their places, while the new chiefs should not be obliged to renounce their hopes of change. Fitzwilliam, once his Irish appointment was conceded, proceeded immediately to sound Grattan—until now the chief opponent of the administration installed at Dublin—and to enlist his support, and wrote offering the Chief Secretaryship to Grenville's brother, a Whig of liberal views, then at the embassy in Vienna.

Slowly the secret leaked out, and as knowledge of it spread, opposition and indignation too among Pitt's old supporters. Buckingham, the onetime Viceroy, wrote bitterly to his brother on this "subject you have avoided in all your letters . . the measure you have adopted of surrendering the Kingdom to Lord Fitzwilliam and the Duke of Portland under the government of Mr. Ponsonby";[5] and though Grenville, replying, denied the implications, the unappeased Buckingham had heard too much of Fitzwilliam's negotiations and engagements with the Ponsonbys for his brother's assurance to satisfy him. "Nor can I consider arrangements of this nature quite as abstract propositions with which I am unconcerned."[6] Criticism equally bitter, and as natural, came from Ireland where the Viceroy, Lord Westmorland, first heard of his coming supersession in the gossip set up by the discussions between Fitzwilliam and his Ponsonby cousins.

Between the necessity of surrender to the Whig demands, and the bitter opposition in his own party such surrender created, Pitt saw the coalition, barely three months old, threatened with dissolution, and in the beginning of October the matters in dis-

pute were talked over in a set conference. It was indecisive, and reading the private letters of those who took part in it we can only be amazed that the coalition survived. Lord Grenville thought Fitzwilliam "has pledged himself too far to recede with respect to a total new system both of men and measures," and that he was determined to remove Fitzgibbon for the part he had played in opposing the Whig schemes in 1788.[7] Pitt was as "fully determined that I will not give way either to Lord Westmorland's recall without a proper situation for him here, or to Lord Fitzgibbon's removal on any terms."[8] "The very idea of a *new system*," he wrote to his new Whig colleague Windham, "is in itself what I feel it impossible to accede to."[9] Fitzwilliam himself five days earlier, had written to the same correspondent (and his bitterness testifies a complete understanding of Pitt's determination), "I believe (but I am not quite sure) that I may be permitted to go to Ireland, but this permission is under conditions: and the conditions are in substance that I step into Lord Westmorland's old shoes—that I put on the old trappings and submit to the old claims—the men, and of consequence the system of measures, to remain the same, with or without my approbation, and without any consideration for my responsibility to the King, the country and my reputation—these are now the terms."[10]

Still the matter dragged on, Grenville—and perhaps Pitt with him—striving for consolation in the impasse with the thought that "imagination has transformed general expressions into loose and pointed assurances," and putting down the alarm at Dublin Castle to "loose reports magnified as usual by persons repeating them according to their interests and wishes." Meanwhile Pitt had his famous interview with Grattan where the proposed new measures occupied their minds, as the proposed new men and new jobs occupy the voluminous and contradictory correspondence that is our main authority for the story. The measure in question was that final removal of the civil outlawry of Catholics, that would allow them into Parliament and open to them the great offices of State—Catholic Emancipation. For Grattan it was the essential condition of purity of government

in Ireland, the only security for national and patriotic union. With a Whig Viceroy, the Ponsonbys in the administration in place of Fitzgibbon and Beresford, and the Catholics emancipated, the revolution of 1782 would be complete and the new menace of French principles would lose all its power. Pitt encouraged Grattan at least to hope. The Government would not themselves bring forward a Bill for Emancipation, but if the matter were pressed they would yield.[11]

A second conference between the divided ministers took place on the very eve of Fitzwilliam's appointment—once more indecisive and inevitably unsatisfactory. Apparently Fitzwilliam agreed to retain Lord Fitzgibbon as Chancellor. The Ponsonbys were to be brought in, but the principle was laid down and accepted that Pitt and his colleagues "could not, independently of other considerations concur in any measure which should appear to reflect on Lord Buckingham's government[12]—the administration that had tricked the Whigs in 1789, and one of whose evil fruits was Fitzgibbon's Chancellorship. There was no mention of Beresford, who, head of the Revenue Board, had made the fortunes of Fitzgibbon and other high officials, and "uncrowned king of Ireland" had virtually the Law, the Church and the Army under his hands. As to the Catholic Question, it was unanimously agreed that Fitzwilliam should inform himself in Ireland as to the state and disposition of the country in this respect, and should send on his information ; that he should do his best to prevent agitation of the question during the present session, and not commit the King's Government without fresh instructions from home.

Such is the account in a memorandum drawn up, four months later, by Lord Grenville who, with Pitt, represented the Tory wing of the coalition at the conference. Buckingham, informed at the time of the conference, was not apparently so convinced as his brother that the new Viceroy was therefrom forbidden to re-arrange old systems, for he wrote—24th November, 1794—"the rest of your letter announces to me the resolution taken of replacing Mr. Ponsonby and his friends in high office . . . I am cured of every ambition by being sacrificed by

those on whom I had public claims as well as those of blood . . . This is probably the last letter I shall ever trouble you with on public matters . . . "[13] and a month later—December 30th—his wounded pride yet once again gave expression to his belief in a surrender, "I could not look upon a peerage to my second son [offered by Pitt five days before] as a sufficient grace to remove the impressions created by the recall of Mr. Ponsonby to high office . . . "[14]

It was then with the condition of his appointment anything but clearly understood that Lord Fitzwilliam arrived in Dublin on January 4th, 1795, and, after a day in bed to recover from his crossing, began his survey of political possibilities. He found the country wild with excitement at the prospect of a final settlement of the Catholic agitation. Ever since the coalition, a period of now seven months, fact and rumour had been singularly at one in their promise. The new ministers were the Catholics' friends, they had negotiated, and the fact was known, with the Catholics' champion. Their appointments had been bitterly criticised by the Castle junta. Opposition had been continuously made against them, but finally, as, so it seemed, in 1792 and in 1793, the opposition had been driven under, and for the first time in a century, a pro-Catholic Viceroy was to rule in the Castle.

The Catholic Committee were preparing a new Petition, and the Viceroy saw from the beginning that crisis was imminent. He wrote immediately to his chiefs in London explaining that though he did his best to keep clear of any engagement, the universal expectation of the Catholics was such that he had little hopes of delaying the agitation. "No time is to be lost; the business will presently be at hand, and the first step I take is of infinite importance (pray do not delay to talk with Pitt on the subject). If I receive no very peremptory directions to the contrary, I shall acquiesce with a good grace, in order to avoid the manifest ill effect of a doubt or the appearance of hesitation, for in my opinion even the appearance of hesitation may be mischievous to a degree beyond all calculation."[15]

Three weeks after his coming, Parliament met—January 22nd,

1795. It was one of the gloomiest moments of all the long war. The coalition against France was rapidly falling asunder, and the Republican armies, so lately victorious in Belgium, had in this very month overrun Holland and captured the Dutch fleet as it lay frozen at its moorings. There was every prospect of a French invasion, and Fitzwilliam wrote to London, the chance of defence depended mainly on the Catholics. Before this impending danger the Parliament showed a loyal spirit, the address was carried with enthusiasm and unprecedentedly large sums were voted for the army and navy. Easily, without effort, the new administration had acquired a real and effective popularity.

A week later the Catholic Question came before the Parliament. Fitzwilliam wrote that he had little doubt of the proposed relief being carried, and Fitzgibbon, still bitterly opposed, agreed, as did the under-secretary Cooke, who wrote of its prospects to his former chief Westmorland, "I never saw an instance that Government could not carry a single measure, if there was no general opposition, and of that I see no probability." Not a single petition against the proposed measure came in from any Protestant body. The Protestant corporation of Londonderry even petitioned in support of it. The scheme proposed—Grattan was in charge of it—was short and simple: "a general repeal of all restrictive and disqualifying laws," and a new civil Oath of Allegiance to be commonly taken by Catholic and Protestant alike, "that the people may be made one people, one Christian people, binding themselves in one common cause by one civil oath." The Bill was not a Government measure, and Fitzwilliam, true to the compromise agreed before his nomination, persuaded Grattan not to proceed in it before the Cabinet in London should have seen it and consulted the King.[16] As to opposition there would be none unless the appearance of backwardness and reserve on the part of the English Government should raise it.

The whole country was roused. Never since 1782 had every interest so combined in an expression of national goodwill. Never before, nor ever since, has such an opportunity presented

itself of making the inhabitants of Ireland one people. But it was not to be. The last letter of Fitzwilliam from which we have quoted was written on Feb. 12th. A week later to the day the English Cabinet had decided to recall him, to reverse his policy and to reinstate the tiny Ascendancy minority whose intrigue had first done so much to hinder his appointment, and now successfully nullified its good effect.

It was the question of patronage that spoiled it all, the question of Pitt's loyalty to the politicians by whose aid he had won through in 1788, the question of loyalty to the Marquis of Buckingham's henchmen, that finally wrecked the scheme. Two of the subordinate officials Fitzwilliam found so opposed to him that it was impossible they should retain their confidential posts in his administration. They were retired, pensioned handsomely. Fitzgibbon he had promised not to molest, and Fitzgibbon remained Chancellor. It was his removal of Beresford that tipped the scale against him—Beresford as to whose removal, ominously, nothing was said on either side at the final conference in November.

"John Beresford," says a contemporary Irish memorandum,[17] "was the First Commissioner, with an official house and a salary of £2,000 a year, and he had obtained the office of Taster of Wines, with a salary of £1,000 a year, for his own life and that of his eldest son. His son Marcus—an active and useful member of the House—was first counsel to the Commissioner, with a salary of £2,000. His second son, John Claudius, had a very lucrative office in the revenue. His son-in-law would probably be provided for in the first law arrangements. William Beresford was Bishop of Ossory, he looked for the highest Church preferment, and he was married to the Chancellor's sister. The son of the bishop was member for the episcopal borough. The Chancellor had a large following, and the Attorney-General sat in the House of Commons with his son and nephew. Lord Waterford had the patronage of the counties of Waterford and Derry. 'This party,' it was added, 'undoubtedly govern the Kingdom.'" They were supposed to be in favour with the King and "with the persons who had the ear of the minister, such as

Mr. Rose and Mr. Robinson." Something like one-fourth of all the places in Ireland were filled with connexions or dependants of the Beresfords, and John Beresford, actively hostile against Fitzwilliam from the beginning, was in close correspondence with three of his former chiefs, now retired, Lord Auckland, Lord Westmorland and the Marquis of Buckingham. As Fitzwilliam later explained to Pitt, either Beresford or himself must go; and Fitzwilliam had the courage—unfortunately three days only after his arrival—to dismiss him.

It was the old problem of Townsend in 1767 and Buckingham in 1788. Granted corruption as the one means of government, who was to control the machine? What was to be done with the subject who had so profited by the machinery that the national life was almost his private domain? Townsend and Buckingham had each in their day, at a fabulous expense in corruption, broken the ring of politicians who thwarted their scheme. Where they were successful Fitzwilliam failed, and he failed because he was out of sympathy and received no support from the Government in London, which, as ever, was the ultimate arbiter of the colony's fate.

For weeks Fitzwilliam had informed them of his difficulties, had confided to them his plans and explained his cautious non-interference when he realised the scale of the Catholic agitation and the point at which it had arrived. To all these urgent and confidential memoranda he received not a line in answer. Not until the end of the month did the first anxious hints of disapproval appear and then only in a quasi-private letter from Grenville.[18] Even then they concerned only the dismissal of Beresford. Parliament had had the Catholic Question before it a full fortnight, the matter had to the English Government's knowledge occupied its Lord Lieutenant's attention for some six anxious weeks, before the first reply to his letters was sent. It was from Portland, and the spirit of hostility to the Catholic claims that inspired it was new in an English administration.[19]

Beresford's allies had been busy to secure his re-instatement. They had at the same time succeeded only too well in a much more important matter. They had managed to create for the

discussion of the Catholic Question in England something of that bitter sectarian atmosphere that in Dublin was their main support. The Catholic Committee in 1793 had defeated the hostility of the Castle by an appeal to the English ministry. The Castle appealed now, and against its nominal chief the Viceroy, beyond the ministry to the common master of all, to the King who was also "Supreme Governor" of the Established Church. The Church was in danger—the little anti-Catholic clique, who at the moment controlled the Irish patronage, was its one certain hope, and for the future any English Government that looked for the royal support, lacking which it could only stagger from crisis to crisis, must, in Irish matters, give the Fitzgibbon-Beresford alliance a free hand. The Catholic Question was rising above the horizon. Its first effects were the successful enlisting of the head of the Church as leader of the opposition, and the surrender of the Government of Ireland to a new junta of Undertakers, to a new militant Ascendancy not concerned for the future merely with the repression of the Catholics, but inspired by a new spirit of active anti-Catholic hostility.

The first note of disapproval from the King is in a letter of January 29th, where he complains of "the great change that seems coming forward in Ireland without the smallest attention to what was understood on the departure of Lord Fitzwilliam."[20] Six days later, "to my greatest astonishment," he learnt from Portland that the Viceroy favoured the emancipation scheme, and straightway he drew up a strongly worded memorandum against the project.[21] The arguments are partly political, partly religious, but no mention whatever is made of what George, a month later, vehemently asserted was its "strongest point of view, its militancy against the Coronation Oath and many existing Statutes."[22] This new reason for continuing the old exclusion policy—and it was to be henceforth the King's main reason—was the work of two unscrupulous lawyers, the two Lord Chancellors, Fitzgibbon in Ireland and Loughborough in England.

To Fitzgibbon, apparently belongs the distinction of the initiative. He wrote to Westmorland in the early part of

February, and through Westmorland and Auckland his letter came to the King. The next document in the dossier is a memorandum[23] on the subject from Loughborough in which it is formally suggested to the King that the proposed further relief measures would virtually repeal the Act of Supremacy and could "be invidiously construed" as amounting to a reconciliation with Rome. The Coronation Oath binds the King not to assent to a repeal of any of the existing laws—Acts of Supremacy and Uniformity, Test Act and Bill of Rights—that safeguard the Established Church.

George himself cast Loughborough's letter[24] into a couple of pages of queries and set the novel case of conscience for the Lord Chief Justice and Attorney-General—Lord Kenyon and Sir John Scott, the later Lord Eldon. They replied soberly enough—11th March, 1795—that "so long as the King's Supremacy, and the main fabrick of the Act of Uniformity, the Doctrine, Discipline and Government of the Church of England are preserved to the Church, and the provision for its Ministers kept as an appropriated fund, it seems that any ease given to sectarists would not militate against the Coronation Oath or the Act of Union . . ." [25] Moreover, "though the Test Act appears to be a very wise law, and in point of sound policy not to be departed from, yet it seems that it might be repealed or altered without any breach of the Coronation Oath or Act of Union."

This might have decided the King's conscience once and for all. Unfortunately in a second letter—an answer to a new query from the King that an Irish petition had provoked—after an exposition of the notion of State Supremacy in law, and, as an instance, the power of Parliament even to repeal the Act of Uniformity, Kenyon left the final responsibility as a matter for the King's own conscience. "I will out of anxiety add one word more. It seems to me, that the judgment of the person, who takes the Coronation Oath, must determine whether any particular statute proposed does destroy the Government of the Established Church. It seems that the Oath, couched as it is in the general terms in which it is found, does not preclude the party sworn from exercising a judgment, whether that which he

is bound to maintain will be essentially, or in any great degree, affected by the proposed measure."[26]

The responsibility was too much for a mind prone to panic. Fitzwilliam's recall had already for the time ended emancipation as a practical issue before the new objections were suggested to the King, but in the question's next revival, these objections of a scrupulous and ill-instructed conscience were to make themselves a main force in political life. Anxiety lest he should betray his trust, together with deep indignation that the politicians, instructed in 1795 of his opposition, should appear to ask a betrayal, brought on a fresh insanity, and thereby wrecked the hopes of Catholics for yet another ten years.

Much labour has been spent in an endeavour to lay the responsibility for the disaster of 1795 on the right shoulders. That the endeavour will ever be successful is extremely doubtful. Lecky's useful reminder cannot be too much borne in mind, that the negotiations in which attempts were made to reconcile the wholly divergent views of the two wings of the coalition were very largely verbal. If misunderstanding was possible between those who took part in the conferences—and they alone knew adequately what passed—it would be rash in the extreme for writers a hundred and thirty years later to dogmatise. And yet there has been much vigorous denunciation of the actors on both sides by later writers, and such denunciation has, inevitably, coloured their views of later events and of the later conduct of the statesmen concerned. Pitt notably has been judged and condemned for his later conduct very largely in the light of his supposed treachery in 1795.

The first feature of the general situation that calls for notice is the admitted ministerial ignorance of Irish affairs. In theory the country was governed by the independent Parliament and the executive nominated from London. In practice the English Cabinet maintained a constant daily control, and yet had no course of independent knowledge to guide it. It was, very literally, the "monarchy of clerks, a government carried on by post," denounced by Grattan, and a State Paper belonging to Lord Grenville bears this out curiously. "Nothing," says this

writer, "in short can be imputed to the British Ministry but their rash confidence in the persons they employed, and their want of leisure or inclination to judge with their own eyes."[27] "They take no sort of trouble about it," Burke, a very different witness, wrote to his son, "and do not by any means thank you for any that *you* may take," and he described Dundas, in an interview to discuss the crisis of 1792, as preserving "a dead silence. [He] heard me like a man who wished an unpleasant conversation at an end."[28] The ministers themselves complain that they are without news, Grenville in the September of 1798 protesting that "I am not more a stranger to Buonaparte's government of Egypt than I am to that of Ireland."[29] With such a state of affairs the marvel is that misunderstanding was not chronic.

In estimating Pitt's personal responsibility and the motives which guided his action the great difficulty is to escape the influence of the legend that paints him as an impassive, impassible demigod, beyond the reach of all emotion or the play of merely human motive. Not even the *ennemi du genre humain* of the French Convention is more stupidly impossible than this. That he lacked imagination, as he lacked the courage to attempt to turn a strongly running and influential opposition, that he loved power crazily, sentimentally perhaps as a man could hardly help loving it to whom Cabinet rank had first come in his very youth, that once he yielded to panic he all too quickly led the rout—these grave weaknesses of character we know, and they are sufficient to explain his share in the *débâcle* if we add to them only this one more, his utter lack of method in conducting affairs. He was slovenly, even beyond the apparent wont of greatness, in attendance to official correspondence. He left important despatches lying around, unanswered and often unread, while diplomats abroad waited and wondered, sometimes for weeks together.[30]

There is no need to postulate Pitt as the sinister Machiavelli in Irish history, coldly planning to betray Fitzwilliam and to use the designed reaction to make the ultimate Union easier. To his own interest he was firmly attached—but not more so than any of his predecessors in office—and if the clan was exigent it had rendered him service in the past and would be necessary

again in time to come. "The violence in the House of Commons," Buckingham had written describing the Regency crisis at Dublin in 1789, "could not be conceived, and nothing but Fitzgibbon's steadiness prevented the instantaneous vote without even the shadow of an argument. To his firmness, to his steady friendship and to his superior powers, I am more indebted than to any man in this Kingdom; and Great Britain is no less indebted to him as the only Irishman who would fight her battles in such a moment. . . Fitzgibbon is *ipse agmen.*[31] "The vacant Chancellorship had rewarded so valuable a supporter, a viscountcy had followed in 1793, and the rout of Fitzwilliam was to bring further promotion as Earl of Clare. In 1795 as in 1789 Fitzgibbon in Ireland was "absolutely necessary to Mr. Pitt's government."[32] It was no personal friendship assuredly, and the famous anti-Irish speech in the English House of Lords to which Pitt listened in 1802 provoked from him one of his few recorded wholly natural utterences. "Good God," he exclaimed to Dundas, "did ever you hear such a rascal !"

Pitt seems from the very beginning to have been, as his own henchman Pelham later complained, "more animated about men . . . than he ought to be," and as he himself wrote to Windham, October 1794, utterly opposed to the very idea of a new system. If it be asked how this can fit in with his apparent pledge to Grattan, made about the same time, and so carefully noted down by Grattan, not himself to bring forward Emancipation but if he were pressed to yield it, the answer must perhaps be sought along the lines of Lord Macaulay's final damning praise of a man he did not love: " When he did not wish to be explicit —and no man who is at the head of affairs always wishes to be explicit—he had a marvellous power of saying nothing in language which left on his audience the impression that he had said a great deal. He was at once the only man who could open a budget without notes, and the only man who, as Windham said, could speak that most elaborately evasive and unmeaning of human compositions, a King's speech, without premeditation."

The Irish crisis, too, coincided—and not for a moment in all the long history can the fact of a worrying and unsuccessful war

be left out—with a rapidly worsening prospect in foreign affairs. "There is such a gloom over the country," wrote Lord Auckland of the moment, "such as I cannot describe"; and he speaks of the prevalent "doubt whether we can prosecute the war, and the doubt whether it is possible to make any step towards peace."[33]

The whole affair had in it elements which, but for its dependent issues, would lead one to class it as just one more in a long series of squabbles between rival factions over lucrative patronage, the old difference, in Burke's simile, between "the cat looking out of the window and the cat looking in at the window," with beating beneath it all in monotonous rhythm the one real care of English ministers, that Ireland "should not be an additional difficulty in our way, when so many others are likely to occur."[34] Thirty years earlier and it would have been nothing but a job *manqué* but that happy state of things had gone, and dependent on the hucksterings of politicians was the fate of a movement whose direction was toward fundamental change.

Lord Fitzwilliam left Ireland on 25th March, 1795, his coach drawn to the quay through a city that mourned as for a national calamity, by the people for whom his departure symbolised the end of hope. The full story of the tragic few months of his rule may never be known, but rightly or wrongly he was to the Ireland of his time a symbol, and his recall a portent, of coming disaster. The problem of ruling Ireland, of controlling the now independent Parliament, the powerful patronage-managed political machine and the half-liberated Catholic majority, of ordering this complex of mutually hostile forces "in the interest of England," had forced the Catholic Question into the front rank of English political issues. The Catholic Question—the re-admission of Catholics into the Reformation State, the reversal of the outlawry of the Catholic Church—was for the first time forced on the consideration of the aristocratic government. Under the double pressure from the hostile King, successful at last in making himself, and constitutionally, a political reality of the first importance, and from the new ring of boroughmongers and jobbers in Ireland, to whom, since it dare not break them, it must submit, the English Government faced the

Catholic Question in the spirit of 1688. "Protestant ascendancy" must be maintained, and the ministers surrendered to the arguments that in 1792 they had so successfully ignored, that Protestant ascendancy and the equality of Protestant and Catholic before the law could not exist together.

The changed attitude of the London Government encouraged a like change in the sentiments of the Catholics in Ireland. They had been to that English Government, and were again to be, the most loyal of its Irish subjects, bound to it chiefly by the memories of past favourable interventions against the interested tyranny of authority nearer home, and by the expectations to which these had encouraged them, of favours to come. Now, reversing its old policy and rejecting the alliance with them that had for some years been, apparently, one of its aims, the London Government turned to patronise and support their hereditary enemies. The Catholic victory of 1793 when England had coerced its officials was to be bitterly revenged, when to those same officials then discredited and compelled, the gall dripping from every word they spoke in its support, to pass the Catholic Relief Act, the government of Ireland was now made over. The old bitterness against Parliamentary reform of the jobber whose jobs were threatened, now inspired the opposition to the Catholics, and the spirit of the old "ferocious laws of Anne" now informed the administration of the law as it concerned Catholics. The Act of 1793 was in these men's administration very largely a dead letter—inevitably so. Once more it is Burke who best described them: "a cabal to destroy the King's authority and to divide the country as a spoil amongst one another. *Non regnum sed magnum latrocinium*—the motto ought to be put under the harp."[35]

Disaffection, the discontent with the political situation that had in twenty years united so many of the country's hostile factions, now for the first time reached the Catholics. Henceforward it is chronic. The Irish Problem that is to vex the nineteenth century had begun, not the old problem of ruling colonists provoked by the selfish stupidity of a mother country, but that of a nation whose discontent is based on a theory of rights and on the consciousness of nationality, which revolts against grievances as

against an usurpation. The Catholic Question, from the circumstances of its first proposing, is then the Irish Question, and the Irish Question as, aggravated, it occupies Parliament after the Union, is discussed in the spirit of hate which ruled the Ireland of 1795 to 1799. This spirit was not created by the events of which Lord Fitzwilliam is the centre and the symbol. It was sufficiently in evidence before his coming in the intrigues that opposed the Acts of 1792-1793. But in 1795 the English Government adopted that spirit as its own, and henceforth it is the inspiration of all that government's Irish activity. It informs the new English attitude towards the new Ireland that has arisen to perplex and to worry—and it informs, too, the English attitude towards the Catholic Question, towards Emancipation.

### (*iii*) *Pitt.*

The second Earl Camden replaced Lord Fitzwilliam. "I trust he will understand that he is to reinstate all those who have been removed by his predecessor, and to support the old English interest as well as the Protestant religion," wrote George III to Pitt,[1] and the new Viceroy arrived in Dublin, on the last day of March 1795, to begin in a scene of riot the last most complicated chapter of the history of the troublesome Irish colony. For the sake of "the old English interest" the country was delivered over, at this most critical moment, to the new militantly anti-Catholic Ascendancy, and the change observable since 1779 in every phase of Irish public life—since the Regency Crisis its most remarkable feature—now developed the incredible pace that in four more short years obliterated for ever the colonial Ireland of Swift and Flood and Grattan.

The Society of United Irishmen, revived from its quiescence, was reconstructed on a more regular basis. Its aims were henceforth definitely republican, its members began to drill and to collect arms, and the old pledge to work for the unity and brotherhood of Irishmen gave way to an oath of secrecy and fidelity to the Society's aims. At the end of this critical year it numbered between 24,000 and 36,000 adherents, still for the most part

Protestants. The Catholics whose interest led them to organise were enrolled in the small secret societies that still, as all through the century, rose up locally to avenge the inequalities of the social system. The most important of these societies was that of The Defenders, and as the propaganda of the French-infected revolutionaries developed, this agrarian conspiracy, too, began slowly to take on a political character. Where all other hope was dead, help might come from France to remedy social injustice. That the injustices complained of were serious, and the grievances well founded, even the letters of the Viceroy go to show. As yet, however, the outrages, though frequent, were local and sporadic in character, and as in the earlier Whiteboy movement and the later Threshers, religious differences had no part in them. The priest's dues, where considered excessive, were as much the object of attack as the parson's tithes. But the movement was widespread, and the universal spirit of disorder that it kept alive was the best of preparations for future revolt. The grievances of the Catholic peasantry, now and to the end of the trouble, were social and economic in character. Tithes, oppressive conditions of labour, excessive rents savagely exacted, and the tyranny of the middleman were the causes that excited their discontent rather than the problems, comparatively remote, of Parliamentary reform and Emancipation, or the establishment of an Irish republic, and, despite the efforts of the United Irishmen, the two movements were, as yet, far from amalgamating. To the third movement of the day—the movement for a constitutional reform of Parliament, of which Grattan was the leader and the Whig Club the exposition—the Government in recalling Fitzwilliam had just given the final, fatal *coup de grâce*. Henceforth constitutional opposition to the administration at Dublin Castle ceased to exist.

The new Viceroy—honest, straightforward, not unintelligent but indecisive and liable to panic—was himself opposed to Emancipation. His instructions show in every line the determination of his government to reverse the older liberal policy. He is to do his utmost to turn the agitation on the Catholic Question, and to organise the Protestants against concession, regarding

them as Government's indispensable allies. The machine under instructions from England was henceforward to be worked to repress the Catholics, as in 1793, by instructions from the same source, it had been worked to relieve them. The Catholic Relief Bill was on May 5th defeated by the decisive vote of 155-84 and with its defeat the Catholic Question disappears from the independent Irish Parliament. The disappointment of such a defeat, coming as it did when the final victory had seemed easy and certain, was the best ally of the United Irishmen's propaganda. Slowly they began to make recruits among Catholics, and in the June of 1796 one of their leaders informed the French Government that within two months of an invasion 100,000 men would be under arms.[2]

In the rebellion, now certainly the Society's aim, the Presbyterians, it was expected, would take the lead. All the founders of the society who were not Freethinkers were at least nominally Presbyterian, and Belfast was as yet the centre of all the seditious activity. From the Catholic leaders the revolutionary party did not hope for much. "The priests," Wolfe Tone reported to France, "hated the French Revolution, and they should never be trusted,"[3] and the editor of the movement's newspaper—*The Northern Star*— scornfully dismissed the great mass of the Catholics as "bigots to monarchy." Loyalty to the Crown to the point of servility had always marked the dealings of their chiefs, and it showed as unpleasantly in the bishops' address to George III in 1793 as in the pastorals which announced the later concession in 1829. Naturally enough the oath-bound agrarian secret societies won nothing from the Catholic clergy but severe condemnation. "The priests had done all they could to suppress it" ran a report to the French Government in 1796, and Tone informed them that the Defenders had been excommunicated and that the sacraments were refused to them even *in articulo mortis(!)*. In one case this certainly happened—Lawrence O'Connor the Kildare schoolmaster executed at Naas in 1795 for administering a treasonable oath. The clergy, noted the Under-Secretary of State, refused to attend him at the gallows or to administer the sacraments.[4]

Moreover, the leaders of United Irishmen, here again inspired largely by their French models, were bitterly anti-clerical. "I am heartily glad," wrote Tone, for example, "that old priest [Pope Pius VI] is at last laid under contribution in his turn . . . the day of retribution is come at last, and I am strongly tempted to hope that this is but the beginning of his sorrows." [5] No men, indeed, had less love for the Catholic Church than these pioneers who would emancipate the Irish Catholics and who laboured to bind the cause of their emancipation with their scheme for an independent republic. Few sights then would seem more ironic than the juxtaposition in so many Irish homes of the oleographs of St. Patrick and the men of 1798. That juxtaposition of the apparently irreconcilable as the twin symbols of national freedom is due mainly to the Protestant aristocracy's policy in these fateful years, when, faced with a Protestant democratic revolution, its mismanagement was such that it left what Catholics were active in politics, or suffered oppression, no alternative but to join forces with the deist revolutionaries. To no one was the combination more amazing than to their common French allies who, for example, landing in Connacht in 1798 laden with the curses and excommunications of all the hundreds of bishops and prelates they had outraged and robbed, found themselves welcomed as Our Lady's Knights. The blundering was indeed criminal that lost to the revolution the loyalty that, soothed, would have been so powerful an arm against it.

The first crime was the Government's patronage and adoption of the new Orange Society as its instrument to defeat the Catholic revival. That society was founded in the September of 1795 at the end of a more than usually elaborate faction fight between Catholics and Protestants—the so called Battle of the Diamond in "the very Protestant county of Armagh." Armagh had for ten years been one of the rare plague spots where religious differences still blazed, and the Catholic defeat at the Diamond was for the victors the opportunity to remodel their organisation. The first and immediate effects of the reorganisation was a very real persecution of Catholics. "Their cabins were placarded, or, as it was termed, 'papered' with the words 'to hell or Connaught,' and if

the occupants did not at once abandon them, they were attacked at night by an armed mob. The webs and looms of the poor Catholic weavers were cut and destroyed. Their houses were often set on fire, and the inmates driven homeless into the world." The new anti-Catholic movement, unhindered, undisturbed in its course, spread rapidly through the north-eastern counties, and a great trek of dispossessed and outraged Catholics began towards the more peaceable provinces of the south and west.

The authorities at Dublin were of course well informed of the new developments. Camden could describe them for what in literal truth they were, "acts of the greatest outrage and barbarity against the Catholics" induced by the accident that where they started Catholics were in the minority, and encouraged by the partiality of Protestant magistrates of Orange sympathies.[6] The magistrates of the county met to discuss the situation, and their chief, Lord Gosford, made the much-quoted speech which so vividly pictures the new anarchy. "It is no secret," he said, "that a persecution, accompanied with all the circumstances of ferocious cruelty which have in all ages distinguished that dreadful calamity, is now raging in this country . . . The only crime which the wretched objects of this merciless persecution are charged with, is a crime of easy proof. It is simply a profession of the Roman Catholic faith. A lawless banditti have constituted themselves judges of this species of delinquency, and the sentence they pronounce is equally concise and terrible; it is nothing less than a confiscation of all property and immediate banishment. . . These horrors are now acting with impunity. The spirit of impartial justice (without which law is nothing better than tyranny) has for a time disappeared in this county, and the supineness of the magistracy of this county is a topic of conversation in every corner of the Kingdom."[7]

The Government refused an enquiry into the disturbances, the apathy and the connivance of magistrates went unreproved, and as the terror spread over the North the Catholics left to become the best apostles of a new political disaffection. "No circumstance . . . for a hundred years past . . . has gone so decidedly to separate the mind of this country from Government"[8]

is the testimony of a Connacht landowner whose estates were the refuge of some of the persecuted Catholics. Religious bitterness was creating a new line of cleavage. The union of all Irishmen in a brotherhood of common nationality of which the leaders of the United Irishmen had dreamed was, since the Orange horror began, less and less likely ever to be realised. "Hatred of the Roman Catholics [among the Presbyterians] is very great," a witness of 1796 could write, "so much so that should we be admitted in any corps, they declared they could never join with them. . . This violent change has been wrought within the year—a *change fraught with the best consequences to our King and Constitution.*" [9]

Camden might indeed himself be shocked at the barbarous spirit of the new fanaticism, but to only too many of those with whom lay the local execution of the new anti-Catholic policy, the Orangemen appeared as the most obvious and useful of instruments. A Dungannon magistrate explains the dilemma: "as to the Orangemen we have rather a difficult card to play: they must not be entirely discountenanced—on the contrary we must to a certain degree uphold them, for with all their licentiousness, on them we must rely for the preservation of our lives and properties should critical times occur." Grattan no doubt laid his finger on the real cause of the Orange success and the beginnings of Government's complicity, speaking in the House of Commons against the suspension of the Habeas Corpus Act, in the late autumn of 1796. "Government had not exerted all the powers which the law gave it. Had Government dismissed any of the magistrates? . . . Will Government say that in a year and a half, with 40,000 soldiers and with summary laws that would have enabled them to pull down the liberties of the whole island, they could not reduce that county to order? I cannot but think the audacity of the mob arose from a confidence in the connivance of Government. Under an Administration sent here to defeat a Catholic Bill, a Protestant mob very naturally conceives itself a part of the State." [10]

But it was with the formation of the new Yeomanry Corps that the pro-Orange spirit of the Government came into its own. It was principally a northern movement, for the North was the

disturbed part of the country, and it was inevitably an anti-Catholic and anti-revolutionary movement: "They are chiefly Orangemen, and all agree in not admitting a Papist" wrote Lord Downshire of the corps he himself was raising, and it was true generally of the Yeomanry in the North. The Viceroy had realised, when he first proposed this formation, that it was equivalent to an arming of Protestants against Catholics, but this terrible risk he considered in the circumstances to be unavoidable.

Slowly then through 1796 the Catholics of the north drifted into the republican movement and by the end of that year Defenders and United Irishmen were at one while Government adopted the faction opposed to them and gave its aggression the sanction of law. "Wherever the Orange system was introduced, particularly in Catholic counties, it was uniformly observed that the numbers of United Irishmen increased most astonishingly."[11] An Act of Indemnity was passed to excuse the illegalities by means of which magistrates had preserved the public peace—the wholesale exile to the fleet of untried Catholic Defenders for example, and an Insurrection Act, model of later Coercion Acts, provided new and terrible penalties for political crime and gave to the officers of the Government even greater facilities to dispense with ordinary forms of law. For the future, in "proclaimed" districts, "disorderly characters" might be sent to serve in the fleet without trial.

Then the long-expected happened, and in the last days of 1796 the French Armada arrived, fifteen ships and some seven thousand soldiers, and anchored, not in the disaffected North, but at Bantry Bay in Cork. The expedition had been badly managed and the wild December weather had scattered the fleet, never to come together again, within two days of its leaving Brest. Quarrels between the Admiral and the Army Commander in the portion of the expedition that reached Bantry completed the *débâcle* and by January 14th the last of the French were back at Rochelle. The one effect of the invasion was to put beyond all doubt the loyalty of the Catholic south, to which, least likely of partial witnesses, Fitzgibbon was later to

testify, "when the enemy appeared on the coast . . . a general sentiment of loyalty prevailed in all ranks and degrees of the people, who vied with each other in contributing to defend their country against the invaders."[12]

So far Ulster alone was given over to anarchy, and ripe for rebellion. The new year—1797—was to see that rebellion staved off by measures of extraordinary savagery on the part of the Government, measures which at the same time infected the rest of Ireland with the Ulster panic. Rumours of a planned extermination of the Catholics by the Orange Yeomanry spread rapidly, and the actual practices of these barbarisms, blessed and encouraged by their generals in command, took from the rumours all their incredibility. Another twelve months, and beyond all undoing the foundations of the bitter anti-English spirit were laid in the Catholic Irish as they had previously existed only in the northern Presbyterians. In March 1797 a general disarmament of Ulster was ordered, and General Lake charged with its execution. "Nothing but terror will keep them in order," he wrote,[13] and systematically the Orange movement was incorporated with the military as an instrument of terror.

Terror, the Viceroy confided to the minister in London, was the Government's aim,[14] and a campaign of raids and house-burning began. Hundreds and thousands of suspected persons were flogged until they confessed where arms were hidden, and the use of torture became the general habit of the soldiery until the Armagh gentry, the High Sheriff at their head, protested. The people, they declared, were being driven to madness by accumulated oppression; but the Government's only reply was to proclaim martial law. For the last time—for a few weeks later he was dead—the great soul of Burke protested. "I see the plan is to remove, and if possible destroy, any of that religion who will not be their tools in establishing a Jacobin indifference to all religion and a hatred to the ruling one among the common people who are altogether composed of Catholics, and who, if they have not this religion, will have no other. It is all over with the peace and prosperity of that Kingdom."[15]

In the summer there was a renewal of the anti-Catholic

outrages, and as before they went unpunished; their perpetrators were now the paid instruments of the Government. Catholic disaffection was rapidly becoming active sedition, and that not only in the North but wherever in Ireland the news of the northern atrocities penetrated. The troops were empowered to use force without awaiting the formality of a magistrate's leave, and inevitably a general breakdown of military discipline followed, a time when licence was the rule, and murder, loot and rape the soldiery's one occupation. Lake had indeed reduced Ulster, but his own army was now the country's greatest danger. A more experienced hand than his was needed, and the harassed Camden made repeated appeals to Lord Cornwallis to take over the command. When he refused, Camden turned to another of the great soldiers of the time—Sir Ralph Abercromby—who in November 1797 arrived in Ireland as Commander-in-Chief.

He made a tour of inspection through the South, noted the general tranquillity, noted the never-varying causes of what disturbance there was, the old agrarian injustices and the neglect of the gentry, and set himself rigorously to the main task of reducing his army to order. Immediately he fell foul of the same junta that in 1795 had broken Fitzwilliam, for, like Fitzwilliam, Abercromby refused to be its tool. The old names reappear in the new intrigue, Fitzgibbon, Earl of Clare since his victory in 1795, Beresford and Auckland, in private correspondence with the London minister to displace "this Scotch beast" as Fitzgibbon named him. "He had behaved," wrote Charlemont "with the strictest propriety in his most difficult situation, and has the happiness of being cordially disliked and abused." Of his troops Abercromby could say in a general order that the irregularities in their conduct proved them to be in a state of licentiousness that must render them formidable to anyone but the enemy—a description the next viceroy, Cornwallis, was to note as only too just[16]—and when it became evident that the Government preferred such an army, and willed the atrocities, Abercromby resigned. He had lasted just four months. "The struggle has been in the first place," he declared "whether I was to have the command of the army really or nominally, and then

whether the character and discipline of it were to be degraded and ruined in the mode of using it, either from the facility of one man, or from the violence and oppression of a set of men who have for more than twelve months employed it in measures which they durst not avow or sanction."[17]

Lake was reappointed, and, after a Dublin raid where most of the chiefs of the United Irishmen were arrested, Leinster was delivered over to him to become in 1798 what Ulster had been in 1797. Martial law was proclaimed and the troops quartered indiscriminately on the civil population. "Within these twelve months," Abercromby had written[18] of Lake's previous exploits "every crime, every cruelty that could be committed by Cossacks and Calmucks, has been transacted here." The next few months saw the renewal of it all, the more savage for the inevitable degradation that a year of such work had brought to the troops, until finally, maddened by the tortures, and by what has never left the memories of their descendants, what a modern writer has been able to call, and could only call, "the sexual filth" of the Orange Yeomanry, the Leinster peasants rose. The rebellion was at last a fact—a rebellion where France and the revolutionary party had scarcely any share. "In times of turbulence," said that rare spirit Sir Samuel Romilly, "fury will retaliate the cruelties which it has been accustomed to behold," and the story of the next three months in Wexford is a terrible illustration of the truth.

The hapless Camden had disappeared in the height of the crisis, and in his place as Viceroy and Commander-in-Chief the Government named Lord Cornwallis. Like Abercromby he found the military anarchy the country's chief danger, the reduction of it the first task before him. "On my arrival," he wrote to a friend,[19] "I put a stop to the burning of houses and murder of the inhabitants by the Yeomen or any other persons who delighted in that amusement, to flogging for the purpose of extorting confession, and to the free quarters which comprehended universal rape and robbery throughout the whole country."

As in the case of Abercromby and of Fitzwilliam, too, it was

the Castle junta's hostility that was the chief obstacle to his usefulness. He was no politician but a soldier, and in his letters we get yet another illuminating testimony to the mentality of the omnipotent Fitzgibbon clan as it regarded things Catholic or national. Lord Corwallis "will not be a favourite here," so Bishop Percy wrote to his wife, "for he is very sober himself, and does not pass the bottle." He could, however, speak with horror of the conduct of the troops. Only a very small proportion of the enemy "could be killed in battle, and I am much afraid that any man in a brown coat who is found within several miles of the field of action is butchered without discrimination,"[20] and he noted "the ferocity of our troops who delight in murder" as the most powerful obstacle to conciliation.[21]

Long after organised resistance had ceased the butchery went on, "numberless murders are hourly committed by our people, without any process or examination whatever." The same spirit was evident in higher quarters and the new Viceroy wrote with disgust that "the minds of people are now in a state that nothing but blood will satisfy them ; and although they will not admit the term, their conversation and conduct point to no other mode of concluding this unhappy business than that of extirpation."[22] The religious bitterness introduced when the Orange Society first began the outrage in Armagh, and given Government sanction when the new patriotism was adopted into its armed forces, now bore all its terrible fruit of hate. "The conversation even at my table, where you will suppose I do all I can to prevent it, always turns on hanging, shooting, burning, etc., etc., and if a priest has been put to death, the greatest joy is expressed by the whole company."[23] All over Leinster Catholic chapels had been sacked, the Bishop of Ferns declaring that, "In the extent of nearly fifty miles from Bray to Wexford, almost every Roman Catholic chapel was laid in ashes," and by far the greater number of these churches were sacked when the organised resistance was over.

Lord Cornwallis, braving the junta, announced a policy of conciliation and amnesty, and, agent of the London Government, desperate for the future of its mismanaged colony, set

himself to study the chances of a Union of the two Parliaments. There would likely enough be opposition from the practised opportunists of the colonial aristocracy, at any rate. The Catholics might be a help, and so the Catholic Question re-appeared as a serious issue in politics from out the dust and smoke that still hung over the ruins of the pillaged Catholic chapels. The Government that in 1795 had betrayed the Catholics to the junta that so hated them since the forced surrender of 1793, and that had stood by to encourage by its apathy the persecution of the Catholics in 1796, and whose troops in 1798 had by their excesses driven the most loyal Catholic county in Ireland to rebellion, now once more approached the Catholics with hints and politic assurances. It is incredible but it is true, incredible but equally true, that there were Catholics willing to believe and to trust them.

The idea of a legislative union between Ireland and Great Britain was not of course the discovery of the generation of statesmen who had to face the problems of the Irish crisis of 1798. The idea was at least as old as the Revolution Settlement itself. Its earliest supporters favoured a Union as the best means of abolishing the restriction on Irish industry and trade. Later it came to more than one harassed Secretary of State as the simplest way out of the old problem of "managing" the colonial Parliament, "in the interest of England." So Lord Hillsborough in 1780 sounded the Viceroy Buckingham as to its possibility, and that Viceroy's successor the Earl of Carlisle in 1781. The Duke of Rutland—the first of Pitt's Viceroys—was equally convinced in 1784 that "without a union Ireland will not be connected with Great Britain in twenty years longer." When a few years later, in Lord Westmorland's time, the great movement for Catholic Relief was first seriously agitated, the questions of a union once more came into prominence and the Viceroy, noting that Protestants seemed to favour union rather than the re-admission of Catholics to political rights, and the Catholics a union rather than "their present state of degradation," expressed himself to Pitt in one of those lightly thrown out hints in which, through the later horrors, another generation

has read so sinister a design: "it is worth while turning in your mind how the violence of both parties might be turned on this occasion to the advantage of England."[24]

That such might be the happy outcome of Irish civil strife, Pitt had already hoped. "The idea of the present fermentation bringing both parties to think of an union with this country," he wrote back to the Viceroy "has long been in my mind."[25] Lord Grenville—and the influence of his brother the Marquis of Buckingham, so practised in the difficult art of Irish management, counted here for much,—had also by 1794 come to look to the union as the only means of making "the connection with Ireland permanently useful to Great Britain." "Ireland should be so managed," and it was, he confessed, the sole point from which the subject interested him, "as not to be an additional difficulty in our way, when so many others are likely to occur." There was then on the part of the English Government a general willingness and desire to abolish the colonial Parliament long before the mistake of the Castle ascendancy infected the Irish with the colonial disaffection and sedition.

The rebellion of 1798 was an opportunity to realise that desire. "The new Lord Lieutenant," the King wrote to Pitt on Cornwallis' appointment, "must not lose the present moment of terror for frightening the supporters of the Castle into an union with this country,"[26] and even before Camden's departure, the heads of the first tentative scheme were in discussion between himself and Pitt.[27]

There was every likelihood of strong and universal opposition. Nearly forty years before the mere rumour of unionist intentions at the Castle had filled the Dublin streets with rioters, and to Lord Hillsborough's suggestion in 1780 the Lord Lieutenant replied with some anxiety, "Let me earnestly recommend to you not to utter the word Union in a whisper, or to drop it from your pen. The present temper will not bear it." Since then the armed menace of the Volunteers had extorted for the Parliament freedom from English control, and an English ministry, only sixteen years after this final settlement planning to destroy it, had need to walk warily if they would arrive. Westmorland

thought it impossible unless Catholics were set against Protestants. Camden's three years' Viceroyalty had achieved this most successfully, and the new Viceroy had it in charge to win over to the scheme Catholics and Protestants—separately.

Catholic goodwill was all important. Lord Cornwallis was convinced—30th September, 1798—"that until the Catholics are admitted into a general participation of rights . . . there will be no peace or safety in Ireland."[28] A union on Protestant principles—the Catholic country ruled by the Protestant minority with, for its surer foundation and support, the assured Protestant ascendancy in the new United Kingdom—"is not likely to do us much good. I am sensible that it is the easiest point to carry, but I begin to have great doubts whether it will not prove an insuperable bar, instead of being a step toward the admission of Catholics, which is the only measure that can give permanent tranquillity to this wretched country."[29] Some way must be found, he declared, to soften the hatred of the Catholics to our Government, and the best way perhaps would be "by advantages held out to them from an Union with Great Britain." Advantages for the Catholics, "to give the Catholics (if possible) the little that remains to be given them," were certainly in the Government's first plan,[30] but it was immediately made evident that no plan would be supported from Dublin Castle that did not provide a future for Protestant ascendancy.

Once more it is the sinister shadow of John Fitzgibbon, Earl of Clare, bitter son of an apostate, that falls across the story. "Even the Chancellor,"—Cornwallis to Pitt—"who is the most right-headed politician in the country, will not hear of the Roman Catholics sitting in the United Parliament." It was the junta once more, in 1798 as in 1795, that was to oppose, and successfully, the wiser and more liberal policy, "blinded by their passion and prejudice [they] talk of nothing but strong measures, and arrogate to themselves the exclusive knowledge of a country, of which, from their mode of governing it, they have, in my opinion, proved themselves totally ignorant."[31]

Clare did more, for in the October of 1798 he went to England personally to urge his point of view on the Prime Minister, and

Pitt, with what one of the Irish Government could only call "lamentable facility," yielded. It was, Pitt admitted, the old difficulty of the Government's "Protestant friends in Ireland."[32] Once more surrender was made to them, and thanks to Clare's visit, Cornwallis confided to a friend, "things have now gone too far to admit of a change, and the principal persons in this country have received assurance from the English ministers that cannot be retracted."[33] A month later—16th November, 1798—the Government's scheme[34] reached the Lord Lieutenant. The Catholic clergy were to receive a salary from the State, the tithe question was arranged for, reforms were to be made in the Established Church, but Catholics were not to be admitted to the new United Parliament. "To admit the Roman Catholics to the proposed Union Parliament" Pitt explained to Cornwallis "is neither practicable at this time, nor proper to be attempted."[35]

It remained to win over the Catholics. Would they give their support to a projected union that did not provide for their emancipation? Of the negotiations of the last five months, of the favourable disposition of the Government in London, of Clare's mission and Pitt's subsequent veering round, they were of course completely ignorant. These had been the confidential communication of ministers of State. There seemed to be in the scheme the indication of a definite good will, in the proposed financial help for the clergy, and in the proposal to lighten the burden of tithes that was the chief grievance of the ordinary laity. Nor were the victims of the Castle victories in 1792 and 1795 likely to protest against a scheme which, apparently, would end the Castle for ever. "The present measure is not likely to be opposed by the Catholics," Cornwallis was confident, "they consider any change better than the present system." Leading Catholics "I believe . . . will consider any transfer of power from their opponents as a boon. I should hope the proposed arrangements for the Catholic clergy will reconcile that body. Dr. Troy [the Archbishop of Dublin] is perfectly well inclined." The absence of any emancipating clauses would not lose this Catholic goodwill. "Leading Catholics" once more, Dr. Troy, Lords Kenmare and Fingall for example, were anxious for nothing so little as a

discussion of the Catholic claims "in the present temper of the Irish Parliament."[36] They hoped for a less prejudiced hearing in the freer atmosphere of Westminster, and, if only the Act of Union did not finally shut them out from the possibility of future relief, the Archbishop would do all that he prudently could to assist the scheme.

But, shrewdly, Lord Grenville was already anxious how far the influence of these "leading" Catholics extended. "The part which the Catholics are disposed to take is undoubtedly very important, but does this mean only their leaders, who do *not* lead them, or has this opinion been spread among the parish-priests and lower orders? Certainly if they knew their interest, those descriptions ought to be peculiarly favourable to it . . ."[37] The anxiety was speedily justified, and the Viceroy's letters soon reveal a new Catholic opinion, reserved, hesitant, adverse. He begins to be "afraid . . . that I was too sanguine when I hoped for the good inclinations of the Catholics . . " and the principal Catholics in the capital were "disposed to think that, in this part of the Kingdom at least, the greater number of them will join in opposition to the Union."[38]

The Government had by now publicly announced their scheme in a propaganda pamphlet written by the Under-Secretary, Cooke, and the expected general opposition showed itself immediately. The pamphlet was published in the beginning of December 1798, Parliament was to meet on January 22nd following, and the intervening weeks were filled with protest-meetings and counter-pamphlets. The Bar protested, and the guild of merchants, the place-holders, too, who thought their privilege at an end, and it was at a great protest meeting of Dublin Catholics that O'Connell made the first speech of his public life. Rather the Penal Code again, and live at the mercy of the Irish Protestants than buy emancipation at the cost of national independence! The opposition—even the Orangemen who were opposed to the Union—began tentatively to suggest an alliance with the anti-Union Catholics, and the English Government, alarmed, declared its resolve never to grant emancipation "as long as the Parliament of Ireland remains in its present state."[39]

Attempts were made to work the Catholics into some kind of united support under the inspiration of the pro-Union Catholic aristocrats; but they failed miserably, and in January 1799 the Chief Secretary, Lord Castlereagh, set himself privately to negotiate an alliance with the bishops. A meeting of the trustees of the royal college, established four years earlier at Maynooth for the training of the clergy, was his opportunity, and he was so far successful that the ten bishops who acted as trustees, reversing their previous refusals, accepted in principle the offer of salaries for the clergy, and the further principle that "in the appointment of the prelates of the Roman Catholic religion to vacant sees within this Kingdom, such interference of Government as may enable it to be satisfied of the loyalty of the person is just, and ought to be agreed to."

The Government's new bid for Catholic support and the letters of Sir John Hippesley throw some light on the spirit of the bidders. Hippesley was a member of the English Parliament who—unique experience in that far off time—had lived for several years in Rome, a semi-official agent of the Government, on terms of intimacy with the leading officials of the Curia.[40] He had been largely instrumental in the arrangement by which Pius VI had materially aided the English fleets in the Mediterranean in the early stages of the war. He had been responsible for the despatch of Mgr. Erskine—an unofficial envoy—to the English Court in 1793, and so great was his prestige that in 1797 he succeeded in inducing the Cardinal Prefect of Propaganda to promise that no friar should for the future be promoted to any Irish see.

He wrote to Archbishop Troy on the eve of the Maynooth meeting a long letter in which he dealt in detail with the possible objections to the Government's "offer" of clerical salaries.[41] He urged the example of what had recently been accepted by the bishops in Scotland—£100 annually for the bishops, £50 annually for each of their colleges, money to pay off building debts and a sum toward paying their clergy. He urged the example of the Vicar-Apostolic of the London District—Dr. Douglass and, from his own intimate experience of the Curia quietened their fears of

Rome's possible disapproval. "We want no new proof," he wrote "of its ready acquiescence in any measures of regulations the King's Government may think advisable, which do not interfere with the established doctrine or universal discipline of the Church."

The letter, as he asked, was laid before the bishops at the meeting. A second letter from Hippesley, to Lord Hobart this time, an ex-Chief Secretary, written six days later, interprets the first.[42] "Foreseeing that it might be material to be assured of some steadiness in the opinion of the Catholic Prelates on this side of the water [i.e. in Great Britain, the letter was written from London] I urged with the Ministers some provision for the Catholic Clergy, which from their miserably reduced situation I knew would be highly grateful to them : I had some conference with Doctor Douglass, the Catholic Bishop of the London District, who is anxious to get a provision for the English Catholic Clergy, and which indeed had some time since been promised. . . In discussing the subject last week with Mr. Dundas and before the Duke of Portland, I contended for the good example such a provision would give to the Irish Catholic Clergy . . . I will answer for the Pope's approbation of it . . ."

Meanwhile at Dublin and at Westminster the Parliamentary campaign had opened. Pitt's speech stressed the Irish anomaly, that the established religion was not the general religion of the country, and that property was mainly in the hands of the minority, and hinted at the possibility of political justice being rendered to the Catholics when, the Union an accomplished fact, they would be in the new state such a minority as to be harmless. "No man can say that in the present state of things, and while Ireland remains a separate Kingdom, full concession could be made to the Catholics without endangering the state, and shaking the constitution of Ireland to its centre. . ." When Catholic behaviour makes their emancipation safe, "when the temper of the times shall be favourable," the question may more safely be agitated in a United Parliament, and, on the other hand, Catholics would not feel their position so much were the legislature general and imperial instead of separate and local.

At Dublin the Government suffered a reverse, and the opposition more definitely began to make overtures to the Catholics. Castlereagh, alarmed apparently, wrote to his London chiefs, and a letter from Lord Minto to Windham shows Pitt once more changing his course. He notes that the opposition are endeavouring to enlist Catholics against the Union by promises of concession, "it would seem, therefore, politick in Government to get the start in the course, considering especially that the thing itself is so right, independent of the Policy. But I believe the contrary was determined until the letter I mentioned from Lord Castlereagh put the question in a new shape, and in that shape it seems to be committed to the discretion of, I believe, adverse parties. If opposition brings forward any questions in favour of the Catholics, it is determined to resist them vigorously."[43]

A new and more general endeavour on the part of Cornwallis and Castlereagh to enlist Catholic support was the sequel. All through the rest of 1799 they were active, and one by one the leading Catholic bishops rallied to the Union, the Archbishops of Cashel and Tuam, the Bishops of Cork, Ferns and Meath joining with Dr. Troy and the Archbishop of Armagh. In the autumn Castlereagh had that famous consultation with the London Cabinet from which issued the instructions to the Viceroy "that his Excellency was fully warranted in soliciting every support the Catholics could afford; that he need not apprehend, as far as the sentiments of the Cabinet were concerned, being involved in the difficulty with that body which he seemed to apprehend; that it was not thought expedient at that time to give any direct assurance to the Catholics—though Castlereagh asserts there was no opposition in the Cabinet to the principle of Emancipation, and that they only refrained from an immediate declaration, and a promise themselves to introduce it in the United Parliament, because such a declaration and promise might alienate more Protestant support from the Union than it could win from the Catholics—but that, should circumstances so far alter as to induce his Excellency to consider such an explanation necessary, he was at liberty to state the grounds on which his opinion was formed, for the consideration of the Cabinet."[44]

Armed with this authority the English ministers in Dublin "omitted no exertion to call forth the Catholics in favour of the Union," and, it is the Viceroy's own testimony, the absence of a Catholic opposition assured the scheme's success.

The Act received the royal assent on 1st August, 1800, and within a few weeks Pitt set himself to plan the details of the complementary legislature that could relieve the Catholics. Towards the end of September a Cabinet was held to discuss "besides the great question of the general state of the Catholics . . . some arrangement about tithes, and a provision for the Catholic and Dissenting clergy." At the Cabinet meeting 30th September, 1800, Pitt explained the scheme—the work of Lord Grenville and himself. The sacramental tests were to go, and in their place as a qualifying Oath the simple Oath of Allegiance was instituted—interestingly enough it foreswore in so many words the Jacobin heresy of the sovereignty of the people. Means would be taken to improve the discipline of the Established Church and to readjust its financial eccentricities, while the old grievance of tithes was to be settled once and for all. Immediately and, in view of Castlereagh's witness to the Cabinet unanimity a year earlier, most surprisingly, opposition showed itself. Its leader was the Lord Chancellor Loughborough, and so strongly did he protest against any concession, that "not feeling at liberty, in His Majesty's absence, and without sounding opinion in other quarters, to take a final decision on so momentous a question," the Cabinet broke up. The same intriguing forces malignantly busy in 1795 were once more at work.

Loughborough worked his relative, Lord Auckland, already at odds with Pitt, disappointed politically, and jealous of him since 1798; Auckland worked his brother-in-law the Archbishop of Canterbury, and the Archbishop wrote to the King a strong protest against the proposed concession. The royal mind had been already prepared to receive it favourably. Loughborough, when the Cabinet of September 30th was summoned, had been at Weymouth in attendance on the King, and secretly, as in 1795 without the knowledge of his "colleagues"—to whom later he was to lie very clumsily about the matter—he unfolded to him

all he knew of Pitt's intentions. Now, after the Cabinet meeting, and still without giving any inkling to his colleagues of what he was about to do, he drew up a lengthy memorandum to strengthen the King's prejudice and to supply him with reasons.[45]

It was known by the new year that the Cabinet were not unanimous, and that to the Chancellor were joined Westmorland the anti-Catholic Viceroy of 1790-4, Portland, Liverpool, and the Prime Minister's brother Lord Chatham. "If Mr. Pitt is firm," wrote Cornwallis from Dublin on January 7th, "he will meet with no difficulty." Cornwallis had in mind the party and the placemen. These Pitt might indeed have coerced with a show of firmness, but his adversary was the King, and against the obstinacy of George III no minister had yet survived. Publicly, at the levee of January 28th, he broke out to Dundas against the scheme: "what is it that this young Lord [Castlereagh] has brought over which they are going to throw at my head? . . . The most Jacobinical thing I ever heard of! I shall reckon any man my personal enemy who proposes any such measure." It was the identical phrase with which seventeen years earlier, he had routed Fox and installed the minister he was now preparing in turn to rout. The next day George wrote to the Speaker—Henry Addington—"I know we think alike on this great subject, I wish Mr. Addington would from himself open Mr. Pitt's eyes to the danger . . . which may prevent his ever speaking to me on a subject upon which I can scarcely keep my temper."[46]

Pitt, whatever his hopes may have been of overcoming the King's prejudices, was certainly not ignorant of them. There exists a copy of George III's memorandum[47] of February 6th, 1795 against Catholic Emancipation, endorsed in the King's own hand, under the date 12th April, 1801. "Paper drawn up on the Earl Fitzwilliam pressing a further emancipation of the Irish Papists, and transmitted to Mr. Pitt; who having approved of it then ought not on the 31st of January to have made a similar proposal and seemed surprised I would not follow him in changing my opinion . . ." In 1797 the King had directed Portland to assure the Viceroy, Camden, "that his sentiments are those of the year 1795," and in the October following when the question

of Lord Kenmare's peerage was being pressed, Portland knew enough of the transaction of 1795 to be able to remind Camden that "his Majesty's objections to granting the privilege to which Lord Kenmare would be entitled by the grant of a peerage are founded not on principles of policy only, but of conscience . . ."[48] It was in fact the chief reason—a few days more were to reveal to the Prime Minister—why George III had concurred in the Union, his trust that through the union of the two Churches that went with it, the door would be shut for ever on Catholic hopes of any further relief.

Addington, as commanded, interviewed Pitt, and two days later Pitt wrote to the King. If he could not have his way he would resign. George proposed a compromise—tacitly the vexed question would be allowed to sleep. Pitt refused and on February 5th the King accepted his resignation. With him resigned Grenville and Dundas, the Whigs Windham and Lord Spencer, and, in a comic passion of super-duplicity, Lord Chancellor Loughborough. Cornwallis, too, came out, and his lieutenant Castlereagh, and among the junior English ministers, Canning.

Over the real motives of Pitt's resignation, over its sincerity, over its meaning, as much controversy has spent itself as over his relations with Lord Fitzwilliam six years earlier. Did he intend to bluff the King into acquiescence? Did he think himself indispensable? Did he think this the easiest way to disembarrass himself of an awkward question that had never aroused his personal enthusiasm? This much seems certain: that he had no sooner resigned than could he have come back in his own way—he cared little on what terms he came back; that negotiations were immediately opened but the King was not sufficiently pliant for Pitt's haughty spirit; that he did his best to induce his followers to remain in the Government he had left, and that he did everything to make easier the formation of the new anti-Catholic Government that succeeded to his place.

And Cornwallis before his departure from Dublin fell yet another victim to Pitt's "marvellous power of saying nothing in language which left on his audience the impression that he had said a good deal." By Pitt's authority Cornwallis had circulated

an anonymous memorandum the "*Sentiments of a Sincere Friend*" which urged the disappointed Catholics to "be sensible of the benefit they possess by having so many characters of eminence pledged not to embark in the service of Government except on the terms of the Catholic's privileges being obtained."[49] The paper was not written by Pitt, "but he saw it before it went. It is said," continues Abbott, now Chief Secretary and soon to be Speaker, "Lord Cornwallis sent for the titular Archbishop of Dublin and communicated it to him, and the Catholic Committee immediately published the substance of both the declaration of Mr. Pitt and Lord Cornwallis."[50] Another contemporary, Lord Carleton, notes two Catholic meetings at Dublin "which had treated the intended concessions and excuses in Mr. Pitt's letter, as communicated by Lord Cornwallis, with the greatest contempt."

Then, less than a fortnight after the resignations, and before the new ministry was installed, the King's mind strained beyond endurance gave way as completely as in 1788. The thought of his coronation Oath and what seemed a clever scheme to inveigle him into a breach of it was too much for him. "Where is the power on earth," he was heard to say "to absolve me from the due observance of every sentence of this Oath? I had rather beg my bread throughout Europe than consent to any such measure." He called his family round him and reading the Oath to them broke out once more, "if I violate it I am no longer legal sovereign of this country, but it falls to the House of Savoy," and at intervals he noted "I am better now, but I will remain true to the Church."[51]

The illness this time was of short duration and by March 6th the King was sane once more, and blaming Pitt for all the trouble. Pitt, on receiving from the King's doctor this curious evidence of his recovery, sent the King word that "during his reign he would *never* agitate the Catholic Question, that is, whether *in* office or *out* of office," and began to canvass "the possibility of its being right that he should remain, or rather return to his situation, in which possible case it would become necessary to dispose honourably and advantageously of Mr. Addington."

And the manner of Mr. Pitt's return was of primary importance, "it should be by entreaty." Addington was cold. He refused himself to mention it to the King. Pitt's friends if they would, might do so. This Pitt forbade, and finally on March 14th gave up the seals.[52] Once more—for the second time—the question of Catholic Emancipation had brought about a crisis in the Government and on that question had fallen the greatest of English ministers.

### (*iv*) *George III*

Addington's Government—the first of the pledged anti-emancipation Governments—made peace with France in the March of 1802, and uneasily muddled its way through the next two years of uncertain peace and financial disorder. It had to meet what was left of the old Whig opposition, it had to meet the public attacks of Lord Grenville and Windham, and to suffer acutely the ignominy of Canning's private sallies. Pitt lent it his support until its incapacity verging on the ridiculous and coinciding too nearly with his own persistent desire for office, sent him too into opposition, to join even with Fox to drive out Addington. Already in November 1802 his confidant Rose informed Bishop Tomline that Pitt had made up his mind and was willing to resume office "whenever the occasion shall arise, when he can come in properly, and [he] has now no reluctance on the subject."[1] There were negotiations with Addington in the January following and again in the spring, but they were inconclusive. Nine months later Lord Grenville reopened the matter but it was not until the April of 1804 that Pitt finally moved effectively and the joint attack of himself and Fox drove the unhappy Addington to resign. A fortnight of Cabinet-making ensued and on May 10th the new ministry was formed, a poor enough affair since the King would not accept Fox, and Grenville would not come in without him ; a Government, a contemporary wit declared, made up of William and Pitt. Pitt was in office but scarcely in power.

Of the private negotiations between Pitt and the King nothing had yet leaked out, and the return to office of the Prime

Minister who had three years before resigned on the Catholic Question seemed naturally enough to promise a speedy settlement. Lord Redesdale, Fitzgibbon's successor and a strong opponent of emancipation, and who as Sir John Mitford had piloted the Relief Act of 1791 through the House of Commons, revealed the thoughts of many hearts in a letter written to Pitt during the negotiations of April 1803. "If all those who went out of office because [Catholic Emancipation] was not approved then (such being the ostensible cause of their quitting their station) are to come into office again, there can be no doubt in the mind of the public that it is determined to carry the measure."[2]

But Pitt of course had long before made his offer to George III to resist emancipation by whomsoever it was proposed, and George now recalled the promise. "The King can never forget," he wrote to the prospective Prime Minister while the ministry was forming, "the wound that was intended at the palladium of our Church Establishment, the Test Act, and the indelicacy, not to call it worse, of wanting to forgo his solemn Coronation Oath. He therefore here avows that he shall not be satisfied unless Mr. Pitt makes as strong assurances of his determination to support this vital law as Mr. Pitt in so clear a manner stated in 1796 in the House of Commons, viz., that the smallest alteration of this law would be a death wound to the British Constitution."[3] Pitt gave the required pledge willingly enough, and, the better to stave off all possibility of the discussion being renewed, endeavoured to form a coalition government, "the best security," he wrote for the King's information, "against the inconvenience and embarrassment of a renewal of the agitation, always a possibility while this country remains divided by powerful parties."[4]

It is not surprising that if the opponents of the Catholics, ignorant of these engagements, saw in Pitt's return a hint of coming emancipation, the Catholics themselves, equally ignorant, began to hope anew. Ireland since the Union had been politically quiet. The Catholics "for the moment profess to be content," wrote the Chief Secretary, and in 1802 the first General Election since the Union passed off with the utmost calm. With

Pitt's return to office the agitation began once more. The Catholic Committee met and a deputation was selected to wait on the new Prime Minister.

In England meanwhile their Whig allies were straining every nerve for this first fight at Westminster on the new question. Fox in 1801 had written that he meant to attend the House no more, except on the Catholic Question, and the prospect of its discussion found him in the winter of 1804-1805 busily canvassing his supporters. He thought a petition from the Catholics themselves the best way of approach, but doubted whether it would be made "as it is in a manner referred to a Committee consisting of Lord Fingall and others. If *they* persuade the Catholics to delay, it will, I think, have the worst possible effect; for the immediate inference in the mind of the great body of them will be that their only resource is in the French, O'Connor, etc." [5] The putting off from session to session of the Catholic Question "has been, as those who knew my way of thinking at these periods can witness, a constant source of uneasiness and self-dissatisfaction for me." [6]

The speech from the throne at the reopening of Parliament ignored the subject, and the omission drew from Fox a characteristic protest. Then on March 12th 1805, the Irish deputation waited on Pitt. He received them politely, even with kindliness, but, to their amazement, not only would not undertake himself to present their Petition, but declared he should oppose whoever else should present it. The deputation turned to the Opposition, and Lord Grenville and Fox presented the Petition in the two houses of Parliament on March 25th. The debate on it did not come off until seven weeks later.

In the interval a new and more treacherous opposition showed itself. The Prince of Wales, turning easily from private debauchery to political intrigue, set himself to divide the Whigs. He worked successfully on Sheridan and Tierney and even induced Fox "not to think of bringing forward the whole claim, but to soften it down to a question for a Committee." With Lord Grenville he did not succeed so easily. [7]

The debate on the Petition—the first Catholic Petition from

Ireland since the Union—began in the Lords on May 10th. It went on until four in the morning, and in its second half, the Monday following, all through the night until six on Tuesday morning. Grenville led for the Petition and the future Lord Liverpool for the Government against it. The ex-Viceroys Camden and Westmorland, Redesdale and the intriguing Auckland, joined with the Archbishop of Canterbury to speak and vote for ascendancy and the motion was rejected by 178 to forty-nine. The motion was made in the House of Commons on Monday, May 13th. Here too a debate of amazing length, in which Fox, Grattan, and Dr. Duigenan—"a vulgar edition of Fitzgibbon"—had the first day to themselves, and the adjournment was only moved at three in the morning The debate reopened the same day, Tuesday, and with ever growing excitement held on until the vote at five in the morning of Wednesday, May 15th. The motion was defeated by 336 votes to 124.

Except for Dr. Duigenan's bitter litany the question was discussed with the greatest moderation, amid a curious display of antique learning in which long dead Gallican Canonists, Joachim of Flora and the Fourth Council of the Lateran appeared and reappeared.

The King was beside himself with joy at the result; "most extremely rejoiced," he wrote that very day in his own King's English to Pitt, "at the great majority with which Mr. Fox's motion for a Committee on the Catholic petition has been rejected, and he trusts that such decided majorities in both Houses of Parliament so strongly show the sense of the Kingdom on this most essential question, which His Majesty is confident if the opinion of the people without doors could be known would prove still a larger majority on this occasion, that he trusts it will never be brought forward again." [8]

A further royal comment on the debate has that human touch that did so much to earn for George III the understanding of so many of his subjects. "The King is not surprised, considering the enormous length to which gentlemen permit themselves to spin out their speeches, that it should have been necessary to adjourn the debate on the Catholic question from two this

morning to the usual hour of meeting this day; it seems wonderful that the fatigue does not incline gentlemen to compress their ideas in a shorter space . . . "[9]

Towards the end of 1805 Pitt's health began to fail rapidly, a collapse followed and on January 23rd, 1806, broken by the strain of his responsibilities, he died—the very day on which twenty-five years earlier he had entered Parliament. The King commissioned his Chief Lieutenant Lord Hawkesbury in his place, but without the genius of its dead leader the weak ministry fell to pieces, and reluctantly enough the King, four days later, sent for Lord Grenville. On February 5th his arrangements were completed—the ministry of "All the Talents": two kinds of Whigs, two kinds of Tories, Whigs who followed Fox, Tories who followed Addington—now Lord Sidmouth—and a curious amalgam of Whigs and Tories holding together in personal loyalty to Grenville. The diary of the Speaker gives six of the cabinet posts to Fox and his party, two to Sidmouth and three to Lord Grenville. The "Catholics," then, were in the majority, but the Sidmouth wing of the coalition was "anti-Catholic" on principle. Perhaps the most wonderful feature of all was the inclusion of Fox himself, the King's *bête noire* these thirty years, and whom only eighteen months before he had refused to consider as a minister "even at the hazard of Civil War."[10]

Grenville had been pro-Catholic since the time of the Union at least when, as Pitt's most confidential colleague, he had planned with him the scheme that Loughborough's intrigues had wrecked. With Pitt he had resigned—indeed he has been credited with the responsibility of compelling then Pitt's reluctance—and it was Pitt's offer to return on the King's terms, made without his knowledge, that, completing the distrust first bred in Grenville by diplomatic double dealing during the war, now brought to an end their long political association. "Lord Grenville confirmed to me the extraordinary fact of Pitt never having told him of his offer to continue without Catholic Emancipation in the year 1801," writes Fox, " . . . such a circumstance as this, and concealed from Lord Grenville too! *Quel homme!*"

In the years since then, Grenville had drifted into a kind of

alliance with Fox, and it was largely due to Fox that Grenville refused to come in with Pitt on the King's terms, when Pitt returned to office in 1804. Since then Fox and Grenville had worked together, and in nothing more harmoniously than in all that regarded Catholic emancipation. Together in 1805 they had presented the Catholic Petition and, called now to office, they hoped to realise the policy on which they had agreed. Immediate emancipation they considered out of the question, and they deprecated any Catholic agitation for it. Should such agitation begin anew, should a petition be presented, Fox was prepared to support it, but he thought the only result at the moment would be to wreck a friendly ministry that was not powerful enough to emancipate, and install an unfriendly ministry that might throw the whole question back for years.

Meanwhile by a better and juster administration of existing laws, the increasing grievances of the Irish Catholics could be amended. Catholic emancipation, Fox still thought absolutely necessary, and he would not hear any suggestion of its being definitely set aside, but "*if* there was a ministry cordially united on giving the Catholics substantial relief, and their full share (as far as the law will allow) in the Government of the country, I thought some consideration, as far at least as delay went, might be had of the King's prejudices, especially in his present state."[11]

It was over a question that involved such an administrative reform, and that in no way introduced a new principle into the Government policy, that barely twelve months after its formation the Grenville ministry fell. But before that time the man whose genius and personal charm held together the ministry's diverse oppositions was dead. Fox appeared in the House of Commons for the last time in the June of 1806, and on September 13, he died at Chiswick, and Lord Grenville, excellent official, exemplary and able at his desk but—and no one realised more than himself the truth of his own words—"unfitted to the governance of men," was left to drive the coalition and to negotiate, when it should come, any new crisis with the King. Nor was crisis long in coming.

The accession to power, within but a few months of the

Catholic defeat, of the statesmen who then had shown themselves the champions of further relief, once more sent the hopes of Catholics soaring. To the chronic Irish problem of agrarian disorder there was now added, for the new Government's embarrassment, a revival of Catholic political activity, and when the newly elected Parliament met in December 1806, the ministers set themselves immediately to conciliating Irish goodwill. In conformity with their arranged policy of a fair administration of existing laws, the Irish administration had been wholly changed. The proselytising zeal of Lord Redesdale made way for the ideals of the old Whig Club in the person of George Ponsonby—one of the leading figures in the Fitzwilliam episode twelve years earlier—and the Duke of Bedford was appointed Lord Lieutenant.

"The disturbances in the West of Ireland were put down—by the rigour of the law," Lord Howick later explained in Parliament, "but the necessity of conciliatory measures grew daily more evident; and then the measure was under consideration for admitting the Irish Catholics into the Army and Navy." More correctly a measure for regularising and reforming the position of the Catholics who were in the army and navy, for already they formed no inconsiderable part of both.

While we may not accept Wolfe Tone's estimate, given to the French Government in 1796, of 200,000 Irishmen in the Services, the figures from less interested sources are nevertheless startling. Grattan in 1793 declared in the House of Commons that of 80,000 seamen in the last war 50,000 bore Irish names, that one in three of the pensioners at Chelsea were Irish, that in some of the ships almost the whole complement were Irish, and that without the Irish Catholics the recruiting would long before have come to an end.[12] An official calculation of the same year, much more soberly, gives the total number of Catholics in army and navy as 38,653,[13] but the old high estimate recurs, uncontradicted, in the speech of Sir John Hippisley in 1810, that in the majority of the ships of the line the Catholics were greatly in excess of the Protestants.[14] These Catholics had no chaplains of their own faith, and far from provision being made for them

to follow their own religion they were compelled often enough to assist at the Protestant services. Nor, in England, could a Catholic hold a commission, and Irish Catholic officers—whose career could achieve nothing higher than a colonelcy—found their commissions null and their rank at an end once their regiment touched English soil.

In the abolition of these grievances the Grenville ministry saw an easy and profitable way to conciliate Catholic opinion. A Catholic regiment was talked of, but as to chaplains, Grenville explained drily to the Chief Secretary, the mere suggestion "would bring all the horrors of popery in view at once, and nothing could follow but the immediate arrival of the Pope and all his Cardinals to be enthroned in St. Paul's."[15] Still recruits and more recruits must somehow be found, and to interest the Catholics the restrictions on promotion must be removed and freedom given the Catholic soldier to practise his religion.[16] And—vitally important this to a coalition one of whose wings was professedly anti-Catholic—concession now might prevent the threatened petition from the Irish Catholics whose presentation "would in every view of the subject be most embarrassing."[17]

Matters were thus already in a sufficiently delicate state when, February 6th, 1807, a despatch arrived from the Viceroy[18] which suddenly thrust on the Government "one of the most difficult questions we could have to consider." The Duke of Bedford reported the progress of the new Catholic agitation which, influenced mainly by Keogh, the hero of the victory of 1793, asked of the Government a definite assurance of further relief. The Catholics seemed this time more united than for many years, and unless some concessions were announced no influence would avail to arrest the petition. The Viceroy suggested as the minimum that could be offered: "the removal of all restrictions from Catholic service and promotion in the army; the removal of the incapacity of persons of that persuasion to serve as sheriffs, and lastly facilitating their admission into corporations." These granted there was "a reasonable chance that the petition would be relinquished" and the Duke added

that speed in the decision was highly essential. His diplomacy was powerless to delay crisis a day longer.

Grenville sent a hasty acknowledgment that yet found time to declare the proposal to allow Catholic sheriffs inadmissible, since it would reopen the main question, and to note the most likely difficulty of all: "we shall have to remove (if that be possible) the objections [the King] may feel to it."[19] The Cabinet drafted its reply three days later and, approved by the King, it was sent to Bedford on February 12th. Whatever the private opinions of individuals in the Government, he was bidden to tell the Catholic Committee, there was no doubt but that Parliamentary opinion generally was as hostile to the Catholic claims as in 1805. To raise the question now was therefore to court certain defeat. Nor would concessions be made as the price of Catholic forbearance. The Government had already a scheme in hand—a simple putting into execution of pledges given when the Irish Act of 1793 passed. That Act—in so far as it admitted Catholics to hold commissions—would be extended to England by clauses in the coming Mutiny Bill, and freedom to practise their religion would be granted to all Catholics in the Services.[20]

Meanwhile in Dublin, on the very day the Cabinet had come to its decision, the long threatened happened. A well-attended general meeting with Lord Fingall in the chair resolved on the Petition. When the answer of the English Cabinet was made known to the Committee it was received in silence and when, on February 18th, they reported it, the general meeting set itself, in reply, to discussing the details of the Petition. Once more the Government tried by persuasion to induce the Catholics to cease their agitation, to be satisfied with presenting their Petition, after which it could lie on the table "without being brought into discussion"—unofficial negotiations, though carried on with the knowledge of the Government, Lord Ponsonby its agent.

Opposition in England, as the news of coming change began to spread, showed itself on all sides. "A spirit of bigotry," wrote the Prime Minister, "has been awakened in this country to a degree which it is not easy to conceive without being an eye

witness of it," and then, suddenly, the King put himself once more at the head of the movement.

That George III might offer opposition to any scheme of Catholic relief, Grenville with his colleagues had feared from the beginning, and as Lady Holland wrote in her diary, "Some think the trifle required is sufficient to produce the relapse of insanity," whence it might be better "to have the burst upon the great point of all."[21] To the Cabinet's proposed reply to the letter from the Duke of Bedford that originated the crisis, the King first of all gave a flat refusal. He trusted "that Parliament would never under any circumstances agree to the clause in the Mutiny Act. His Majesty's objections," ministers were reminded, "do not result from any slight motive. They have never varied, for they arise from principles by which he has been guided through life, and to which he is determined to adhere." Did Grenville wish to bring on another attack of his malady?[22] Grenville's reply explained that the proposals had already been sanctioned in principle as far back as 1793, and, suddenly convinced, the King consented to allow the matter to be discussed in Parliament, with the hope that this would end it for ever.

Opposition from the Tories—within the Cabinet as without—began to organise. Hawkesbury at the end of February was in conference with the Speaker, Abbot, explaining his fears and those of Perceval, Sir William Scott and the Archbishop of Canterbury. Sidmouth, who on joining the ministry had given notice that "he would ever resist the Catholic question," set himself strongly against the proposals from the Cabinet of March 1st onwards, and the Speaker, in a letter to the Whig leader of the House of Commons—Lord Howick, warned him that he would intervene actively against the clauses in the committee stage of the Bill—a curious forecast of what actually was to happen in 1813.

The King, nevertheless, made no objection to the Mutiny Bill clauses when on March 3rd the despatch for Ireland that contained them was submitted for his approval. On March 4th both Grenville and Howick had audiences. According to their accounts the King still had no objections to offer: according to

Sidmouth—and his own later account—the King was much displeased and approved earnestly Abbott's proposed opposition. The King had aged much in the last two years, he was grown deaf and his sight almost gone, and, to the Tories in opposition, to Lord Malmesbury for example, it was borne in by the leader of the Tories in the coalition that the old King grew daily more and more apathetic, and insensible to what was passing, looking for nothing more than peace and quiet.[23] His apparent acquiescence in the Government's scheme for Catholic relief was the latest proof of it all.

The veteran Malmesbury set himself to confer with the Duke of Portland, anciently a Whig premier but in these post-revolutionary days a most orthodox worshipper at the shrine of Mr. Pitt.[24] Portland—March 11th—was willing enough to act but, since they had nothing but a suspicion of the King's acquiescence, felt powerless in the matter. On March 12th they had another conference—from twelve till five—that issued in a letter from Portland to the King, drafted by Malmesbury. Did the King want the proposals to pass into law or not? and if His Majesty wished them defeated would he be good enough to give some definite indication of his will? The King need not fear; others will be willing to undertake the government should it be impossible to retain Lord Grenville. His Majesty should send for Lord Grenville and explain distinctly that either his sentiments had been misrepresented, or that he had never consented to the measure proposed by Lord Howick. The Prime Minister will then either give way or resign, and if he resigns, the plot will be exposed to all the world that was "to undermine and sap the most venerated and sacred barriers of our Constitution." The nation would rally to the King, persons would be found to carry on the government, and if the Duke of Portland's services could be of use . . . .

The letter was sent that very night, but, with coincidence that reached even to the details, George had already acted. Lord Howick had the audience at which was communicated the King's peremptory disapproval of every part of the measure beyond the mere extension of the Act of 1793 to Great Britain, while to the

Prime Minister the King declared he understood himself a week earlier to have objected to the measure's being proposed in Parliament.

The Cabinet had now to face the question whether to yield or not, and if they yielded, how far to yield. On Sunday, the 15th of March, they met, decided to abandon the Bill since it threatened to reopen the general Catholic question under circumstances that promised nothing but defeat. They reserved for themselves, when the inevitable explanations should be made in Parliament, the right to express their individual convictions that the policy towards the Irish Catholics should be changed. Also, since Ireland was "the only vulnerable part of the empire," they declared it "essential to the public interests, that the deference which they have felt it their duty to show on this occasion to the opinions and feelings expressed by your Majesty, should not be understood as restraining them from submitting from time to time as their duty is, for your Majesty's decision, such measures respecting that part of your United Kingdom as the course of circumstances shall appear to require."[25]

This hardy protest was too much for the King, and his reply of the 17th March not only deprecates their expressing in Parliament their individual opinions "which are known to be so decidedly contrary to his opinion," but asks them to withdraw the hint that at a future date they may feel bound to re-open the question. There is repeated, "most unequivocally," the old assertion that his sentiments on this point can never change, that "he cannot *ever* agree to any *concessions to the Catholics* which his confidential servants may in future propose to him," and the letter ends with the request that turned the squabble into a Constitutional struggle. "Under these circumstances, and after what has passed [the King's] mind cannot be at ease, unless he shall receive *a positive assurance from* [*his ministers*] *which shall effectually relieve him from all future apprehension*," and to prevent future misunderstandings, he asked them to state their assurance in writing.[26] What Pitt had offered in 1801, and performed in 1804, Grenville and his Whig colleagues were now to do at the King's request. They refused firmly, bluntly even, reading the

King a terse enough lecture on the sanctity of their oaths as Privy Councillors, and stating that "it would be deeply criminal in them, with the general opinions which they entertain on the subject, to bind themselves to withhold from your Majesty . . . those counsels which may eventually appear to them necessary for the peace and tranquillity of Ireland."[27]

"They are virtually out" is the comment of the Speaker's diary. "York, Portland and Eldon very busy the last ten days" is another remark throwing light in a dark place; and on this Constitutional point, the accidental outcome of the Catholic agitation, the Coalition government fell. The new ministry was speedily formed. Only three days after the Grenville Cabinet sent its final defiance to the King, the Duke of Portland was in office, Spencer Perceval leading in the Commons, and when, two weeks later, the action of the late ministers was debated the King won again, for the majorities were against them 258 to 226 in the Commons and 171 to 90 in the Lords.

Once more a ministry friendly to Catholic Emancipation had attempted to soothe Irish discontent by a measure of Catholic relief. Once more the attempt had failed, and the cause of the failure in 1807 was the same as in the previous failures of 1795 and 1801—the determined opposition of George III. The arch-enemies of the Catholic Revival, the two Chancellors whose joint action had inspired that opposition, had supplied it with the conscientious basis that gave it all its strength, had by this disappeared. Lord Clare had died in 1802, to the huge relief of the administration that his ascendancy logic had called into being and to which he was become as great an embarrassment in alliance as he had been to Fitzwilliam in opposition. Loughborough—disappointed by exclusion from office in the re-shuffling of 1801, and, in compensation, created Earl of Rosslyn—followed his Irish colleague three years later. The King, when the news was brought to him, eagerly questioned the messenger and, when all doubt of its truth was removed from the royal mind, announced: "Then he has left no greater knave behind him in my dominion."

But the scruples they had rationalised for George III sur-

vived to bear, in his demand of a written pledge from Grenville, a truly amazing fruit. Plunket's rhetoric describes the political condition that resulted: "The ministers were to be absolutely prevented from even proposing anything in favour of [Ireland's] population. Every paltry corporation, the lowest individual in the empire, had by the Constitution a right to present his petition to the King or to the legislature; but now, for the first time, it is stated that four millions of the people of Ireland shall be debarred of the right of petitioning, or, what is equivalent, they are told that no petitions they may present will be paid any attention. This was not only a novelty, but a prodigy, an alarming appearance in the Constitution, which seemed to portend the greatest danger. . . The Catholics of Ireland would be given to understand that the royal ears were hermetically sealed against them; that the ministers of the Crown were bound by some pledge, expressed or implied, never to propose any redress for them, but always to resist their claims."[28]

In twelve years of political storm and the crisis of foreign war, the Catholic Question had emerged, the demand that the political ban on Catholics be removed, their long outlawry reversed. Three times in those twelve years the Catholic Question had embarrassed ministries to the point of crisis; and now it faced, ranged in defence of the outlawry, the great majority of the ruling aristocracy and, leading them actively, the head of the State. From 1807 onwards opposition to the Catholic Claims was the first condition of office, and the party that in 1807 so pledged itself was to dominate English politics for another three and twenty years.

Moreover, it was as a new phase of the old problem of Irish Government that the question had emerged—no longer the problem of how best to manage from London the English colony in Ireland, but how to control the newly resurrected Irish nation. Before this new problem the ruling aristocracy had ceased to be independent and had openly made over its policy and power to a new militantly anti-Catholic Ascendancy, which, carefully preparing since the successfully independent action of the Irish Parliament during the Regency crisis, winning its

first victory and installation as an instrument of government in Fitzwilliam's defeat seven years later, succeeded once and for all in the great crisis of the Union, and thenceforward was the acknowledged Irish agent of the aristocracy in England.

Over against the renaissance of Irish nationality that centred round the Faith which in the Irish had so amazingly survived, there rose up the spirit of 1688, expressing itself—true to tradition—in a narrow oligarchy of placemen and jobbers, and finding its popular strength in the intemperate enthusiasm of the Orange lodges. Government was henceforward officially hostile to Catholic Emancipation, the maintenance of Protestant Ascendancy its avowed aim, and so strong was the tradition of that Ascendancy, that it affected even those of the aristocracy who worked and fought the Catholics' battle. For to these also, their position of privilege and monopoly was dear no less than to the obdurates who, in the name of Elizabeth and William of Orange, defended the exclusion in its every absurdity. Whence, to the opposition on the Constitutional issue, and the opposition on the National issue, a third opposition on the so-called question of Securities, and, after 1807, hardly anywhere in political life a true emancipator.

## Chapter III

# EMANCIPATION

### (*i*) *Milner*

The first act of the Portland Ministry after its success on what was practically a vote of confidence, was to dissolve Parliament. In the election that followed, the Catholic Question was the main issue, and, thanks to a timely revival of the No-Popery cry, plus help from the royal savings—denied to Lord Grenville in the general election of the previous year—Portland's majority was considerably increased. From the Catholic point of view it was an inauspicious beginning. A new struggle was at hand, Westminster was to be its scene, the principals in its first stage, most of them, Englishmen, and initiative was to pass for the time to the English Catholic Aristocracy. They it was who were to conduct the new negotiations with the professedly pro-Catholic opposition, and it was upon the Catholic Bishops in England that there was now to fall the difficult task of pronouncing on the orthodoxy and the expediency of the securities for Catholic loyalty whose proposal was the outcome of those negotiations. It was an English Bishop once more who, in this new generation was to play the part Bishop Walmsley had played twenty years before, and with a like obstinacy and an even greater consistency set himself to criticise and to oppose whatever the initiative of the laymen produced.

Much had happened since 1791 to strengthen the importance of Catholics in England. The Relief Act of that year had been followed by a slow but very distinct revival of their faith. Chapels were gradually opened in all the larger towns, and, with the removal of the social ostracism that had been the daily lot of the Catholic, converts began to come in. The French Revolution

again had driven thousands of priests into this country, there to be maintained at the public expense. It may be true, as the incorrigibly realistic Peter Plymley insisted, that Government which so willingly provided them "with lodging, soap, crucifix, missal, chapel-beads, relics and holy water," did so in the spirit that, "if Turks had landed, it would have given them an order from the Treasury for coffee, opium, Korans and seraglios." It yet remains true that this sudden descent upon a country where priests were hardly known, of a vast army of priests patronised and protected by the Government, did much to break down prejudice and even to give Catholicism a tinge of patriotic authorisation. The numbers of Catholics were increasing yet more rapidly from the steady immigration from Ireland that, beginning with the first years of the industrial revolution, swelled with the rising tide of Catholic misfortune in Ireland. The cloistral seclusion of the English Catholics was fast disappearing, the "new people" whom Challoner foresaw as in a vision slowly forming.

Already for the Catholic Church in England the new day had begun, but, one link with the age now so quickly disappearing, the noisy controversy stirred up by the Act of 1791 still sounded vigorously in 1808. Two leaders of that fight survived, Milner and Charles Butler, and had filled the intervening years with much of that useless controversy whose real origin is mutual instinctive mistrust, and that any occasion so easily recalls to life. Of the four bishops of 1791 two were dead—Walmesley the Committee's obstinate opponent, obstinately fighting to the end whatever he considered inspired by its spirit, and Thomas Talbot, who, after the first condemnation, had stood aloof from his episcopal brethren and given the Committee all the support of a sympathetic neutrality. Talbot's coadjutor, who succeeded automatically, the Bishop Charles Berington who was a member of the Committee and whose signature stood at the head of even their most anti-episcopal manifestoes, was also dead after a short rule of three years filled with a long dispute with the authorities in Rome. He was required to withdraw his signature from these documents, and, as long as he refused, Rome withheld from him

the extraordinary faculties without which he could not lawfully perform many of his episcopal functions. A formula was in the end found that satisfied Rome and that he was willing to sign, but before the faculties that were the outward proof of reconciliation reached him, Bishop Berington was dead, stricken by paralysis as he rode out to a visitation.

In his place, ruling this district, the disaffection of whose clergy had, rightly or wrongly, become a byword, there had succeeded, of all men, John Milner, the bitterest opponent of all that Talbot and Berington and the "Staffordshire Clergy" were supposed to embody. It is not the least remarkable fact in Milner's life of multitudinous oppositions that, without any apparent difficulty, he won from the first the loyalty of these men whose chief opponent he had been, and that through the twenty and more years in which he was to stand isolated from his episcopal colleagues and in bitter public opposition to them, nowhere did he find more loyal support than in the clergy of the Midland District. Twice at least before his nomination as Vicar-Apostolic his name had been suggested for the mitre. On each occasion he had been set aside, and Milner's angry disgust at the influences he thought responsible for the twofold refusal, shows itself unmistakably in his letters to that never idle meddler in matters ecclesiastical, Sir John Hippisley.[1] On a third occasion, thanks to Cardinal Erskine, he was named in 1803 Vicar-Apostolic of the Midland District, and, at the age of fifty-one, consecrated Bishop of Castabala, *in partibus infidelium*, in the little Gothic Chapel at Winchester that he himself had built. His amazing energy, his instinct for trenchant speech and decisive action speedily found scope beyond the frontiers of his provincial jurisdiction. On almost every matter that involved the common action of the four bishops, Milner contrived to have views of his own, and inevitably, with his own views, a resolution to secure their execution that no external force could break or bend. Often he believed his brother bishops remiss, lacking truly episcopal firmness in the handling of different delicate ecclesiastical affairs, and he never hesitated to declare his belief, and to declare it to others besides the bishops. Notably was this the case, and from the

very beginning of his episcopate, with the bishop whose subject he had himself been during the years at Winchester—John Douglass, and, from one point of view, a twenty years' controversy waged in public with Dr. Douglass and his successor, Dr. Poynter, was the main feature of Milner's episcopal career.

The strain was hardly made easier when it became known that Milner wished to take Dr. Douglass' place, proposing, and inducing the Irish primate, Dr. Troy, to propose that he should go to London as coadjutor to Dr. Douglass with the right of succession, and the acting coadjutor, Dr. Poynter, be transferred to the Midland District. The scheme never matured, for to neither of the London bishops did it seem quite so obvious a manifestation of Providence in their regard, but Milner gained the base of operation in London that he had desired so long, and with such naïve earnestness, when in 1807 the Irish hierarchy commissioned him as their Parliamentary Agent, and Rome gave him leave to absent himself from his Vicariate and to live in London whenever these new duties required it.

It was round Milner's action as agent of the Irish bishops that the first crash of the new storm broke, and the occasion was the first introduction into the parliament at Westminster of the question that had already some years before occupied politicians in Dublin—the question of what securities Catholics should be required to give to supply for the great security of exclusion that Emancipation would necessarily destroy. How slight the influence of any ideal of religious freedom in the plans of the pro-Catholic politicians may be gauged from the mere fact that this question existed. It was no simple repeal of an exclusion unjust or obsolete that they proposed, but the establishment, in place of machinery that was ceasing to function easily, of a new and more effective control. In recognising Catholics, in readmitting them to the State, Government would only control them more surely.

New and carefully devised Oaths of Allegiance might provide a surer pledge in the repudiation they contained of the politico-religious doctrines that for centuries had lain between the English statesman and his peace of mind. Government might supervise the education of the Catholic Clergy, might in some

measure control their appointment, might (a security which, above all others, they expected to be effective) pay the Catholic clergy. The Catholic church thus quasi-established could never be a danger.

The question of securities was then in this aspect as old as the movement for Catholic Relief, and one of the earliest stirrings of it is the letter sent to Burke by the Irish Speaker, Edmund Pery, in 1778. The Irish Relief Bill, thanks very largely to Pery, had just become law and, communicating his hopes of further relief he discusses the points on which diversity of opinions is likely. The ancient fear of the regular clergy, for example, once more finds expression in the doubt whether any of them should be permitted to remain, or at least to officiate in this kingdom, and he asks what number of seminaries should be allowed for the education of youth, "for I take it for granted foreign education will be restrained," and (first hint of the security around which discussion was to rage most fiercely) what number of priests should be allowed, how they should be appointed, and how provided for.[2] Naturally enough to those who feared the results of the presence of Catholics free from the restraint of special laws, it was chiefly a fear for the settlement in Ireland, and it was from Ireland that the movement came, and the aristocracy of the Irish Colony who showed themselves most eager in its prosecution. Their motives are set out with all possible candour as much by the ex-viceroy Buckingham in 1791, as by his successor in that office, the Duke of Richmond, twenty years later. Negotiate with the Irish, Buckingham advised his brother, not through the Catholic aristocracy whose influence is not to be depended on, but through their clergy "and bribe them by the prospect of an annual allowance, not given in gross to be divided by them. . . but given in detail by Government according to an arrangement to be settled with them. I have *always* found that where these prelates would interfere, they had unbounded influence."[3] Richmond in 1812 is no less explicit. "I should be glad," he writes, to the new Chief Secretary, Peel, "if they would accept of payment of their clergy, as that would place them in the hands of Government, but I am not for their indulgence."[4]

Once more it is interesting to note the candour with which, among themselves, some of the Ascendancy canvassed the different schemes for new securities. Sir John Hippisley advocated a censorship of the official correspondence with Rome, and the establishment in England of the system of *exsequatur*, which in many Catholic countries had done so much to hamper Catholic activity. Before any papal document or decision could be published in England and put into force it must be licensed by the Secretary of State. This, perhaps his favourite plan, he worked at all through his life, and, hoping to find an ally in the Gallican tendencies to which the French-educated clergy of eighteenth century Ireland were prone, for a long time corresponded with some of the Irish bishops with reference to it. After several failures he managed to get a Parliamentary Committee appointed to report on the measures of restraint on Catholics in force in Catholic countries abroad, and the approaching report of the Committee brought from the Speaker, Abbott, an illuminating admission, "I incline to think the report will be useful. I understand at the same time that it is thought such restraints would be proper independently of any concessions." [5] Nor, when the Veto scheme was proving more difficult to pass into law than had seemed likely, did the stalwarts lose heart. Other means might be found, "perhaps one of the best modes of managing them might be to acquire an influence in the nomination of the Irish bishops at Rome by means of a resident minister there empowered to treat formally only on political concerns." [6]

The Catholic clergy of Ireland, Ascendancy statesmen never tired of explaining to each other and to the House of Commons, were too much influenced by the people whom they served: "Left dependent on a savage multitude" Sir George Hill explained, [7] "for their means of life, and reduced to the necessity of flattering the propensities and passions of that multitude and conniving at, if not encouraging, their crimes." Another politician, "since priests depend on their exertions for their support," would have the State secure them some provision, being "certain it would have the effect of relaxing their zeal, and gradually disposing the laity to the established Church." [8] Sydney

Smith is of the same mind, "the clergy should all receive their salaries at the Bank of Ireland, and I would place the whole patronage in the hands of the Crown. Now, I appeal to any human being, except Spencer Perceval, Esq., of the parish of Hampstead, what the disaffection of a clergy would amount to, gaping after this graduated bounty of the Crown, and whether Ignatius Loyola himself, if he were a living blockhead, instead of a dead saint, could resist the temptation of bouncing from £100 a year at Sligo, to £300 in Tipperary?" [9]

To provide such provision was in the mind of Government in 1795, and again in the crisis of the Union four years later. The London Vicar-Apostolic was sounded as to its acceptability, and an allowance was actually paid to the Catholic clergy of Scotland. Pitt's ministry fell ostensibly on the question of Catholic Relief, but the anti-Catholic ministry that followed was no less interested in this aspect of the matter. The new Viceroy was indeed bidden to answer the embarrassing enquiries of the Irish Catholics with the non-committal formula that "he had no instructions on this head," [10] but his Government was at the same time ready to consider "occasional relief, and in the nature of a compassionate allowance . . . to be expressly marked as carrying with it no recognition of their establishment, jurisdiction, titles or authority." [11]

Another much favoured security was to make the relief dependent on the taking of a special oath of allegiance. Already four such special oaths had been enacted, and around their enactment there had been much lively controversy among the Catholics themselves. They were designed to reinforce the simple declaration of loyalty by the explicit denial that Catholics held the anti-social beliefs with which they were credited. To secure just that turn of phrase that should reject what no Catholic has ever believed, and that was yet proof against ingenious attempts to deduce from it a proof that the Catholic who took the Oath gave up the very things for holding which past generations of Catholics had suffered, was a task sufficient to try even the trained theologian. And as trained theologians are never numerous, and, moreover, as the Oaths in question were generally first drafted by laymen, and by Protestants, each suggested new

Oath now, as hitherto, was the source of new and ever angrier controversy.

To train a subserviently loyal Catholic clergy, the Government had in 1795 established the Royal College of Maynooth. How that project fared is one of the most ironic stories in even Irish history.

But of all the proposed securities none was to rouse more bitter and more lasting feuds than that which proposed to give the English Government a say in the nomination of the Catholic bishops—the so-called question of the Veto. Pery's letter to Burke in 1778 hints at its usefulness, and Burke's own *Letter to an Irish Peer*, written in 1782, notes the evils, which, given the temper of the Ascendancy, would probably ensue from it. Another early reference to the idea, while it was still nothing more than an undeveloped idea, occurs in a letter from Bishop James Talbot to Walmesley, October 9th, 1787. "As to taking the confirmation of Bishops out of the hands of Hilton and putting it in our Government, I wonder such a vagary could ever enter a head that pretends to be Catholic."[12]

The Government itself first raised the question as a matter of practical politics when in 1795 the Duke of Portland asked the Archbishop of Dublin to sound his fellow bishops as to their views. Eighteen of the thirty prelates who formed the Irish hierarchy met at Dublin and decided that it should be resisted from the beginning and that the Pope should be advised "not to agree to the King's nominating bishops if it can be avoided."[13] Two years later Government made another attempt and the Chief Secretary himself interviewed Archbishop Troy. He was still hostile, and deprecated the proffered bribe of clerical salaries that, it was hinted, would follow the concession. "It is my firm belief," he wrote to the Bishop of Meath, describing the interview, "that if ever this measure should be adopted, it will be followed by the decline, and perhaps the final destruction of our religion in this country," and, guessing more closely than he knew some of the underlying reasons that recommended the scheme to its proposers, "God grant that it is not proposed with this very intention. *Timeo Danaos et dona ferentes.*"[14]

The rebellion of 1798 strengthened the Government's hand, for, notably in Wexford, where the leaders of the peasantry were priests, a number of the clergy, secular and regular, had been implicated. With the menace of all that a general suspicion of Catholic loyalty could be made to mean, and "holding out the prospect, if not an implied promise to consider the measure as the condition of Emancipation," Lord Castlereagh once more proposed the subject in 1799 to the bishops who were trustees for the College of Maynooth. After some discussion they accepted the principle that Government had a right to be assured of the loyalty of those proposed to fill vacant sees, and that "such interference of Government as may enable it to be satisfied of the loyalty of the person appointed is just, and ought to be agreed to." Furthermore they drafted in detail such a procedure to be followed in episcopal elections that Government's action was carefully limited, and their own rights and the rights of the Holy See adequately safeguarded.[15] By the year 1807, then, the idea of some kind of Government interference in the nomination of Catholic bishops was pretty well known to all those it was likely to concern, and it was known too that a certain number of the influential laity favoured the principle.[16]

The petition of the Irish Catholics, the preparation of which in that year had so embarrassed Lord Grenville, was not presented, thanks to Grattan's influence. A year later, when the attempt was renewed, the conditions of political life were even less favourable. The House of Commons elected so largely on a No-Popery cry was quite unusually hostile to the Catholic claims, and it was now matter of public knowledge that the King was conscientiously opposed to any concession. There was no hope of success unless this powerful opposition could in some way be persuaded of the political impotence of the Catholics, and its fears allayed by some concession that would seem to place in its hands an effective protection against the dangers it anticipated. Such a concession was now offered in the name of the Catholics, and in a form calculated to reassure even the most nervous victim of the anti-Catholic tradition.

The debate which opened in the House of Commons on May

25, 1808,[17] proceeded on much the usual lines, the old fears were urged and the hundred-times-used arguments appeared again to confute them. But both Grattan, who had the Petition in charge, and Ponsonby—late Lord Chancellor of Ireland—who was one of his chief supporters, in their exposition of the willingness of the Catholics to give securities, sounded an altogether new note. The King, they both urged, should have a voice, at least a negative voice, in the appointment of the Catholic bishops. There would thus for the future be no doubt of their loyalty, and, said Grattan, the Protestant and Catholic Churches would become as one body under the one head, the English king. Ponsonby's language was similar—"the real and effectual nomination" would be by the Crown, "the appointment should finally rest with the King," and, according to one account of his speech "the Catholics will not have any objection to make the King virtually the head of their Church, for so I think he must become." Sensation soared still higher when Ponsonby, taxed for his authority, gave it as Dr. Milner "authorised by the Catholic bishops of Ireland to make the proposition, in case the measure of Catholic Emancipation should be acceded to."

Milner, who was friendly with the Grenville party, and who had played his part in the crisis of 1807 when he used his influence in Ireland to delay the famous petition, had been consulted by Ponsonby on the eve of the debate. Faced with the necessity of replying immediately to the question, what power the Irish bishops were disposed to grant the King, in nominations to vacant sees, and lacking the time to consult his principals, he replied guardedly. A positive power of nomination was out of the question, but he had good grounds for thinking them disposed to grant a negative power. Still, since he had no instructions from them on the subject he declined to commit them positively. To Lord Grenville, who was to present the petition in the House of Lords, he wrote in much the same way, though with less emphasis on the reservation that necessarily attached to his judgment from a lack of precise instructions.[18] Ponsonby, then, had gone beyond his brief in so definitely committing the Irish bishops, and the suggestion of a new Royal Supremacy was his alone.

The pro-Catholic motion was lost in both houses by huge majorities, but what disappointment there was at such defeat was insignificant beside the indignation almost universal in Ireland when the pro-Catholic speeches were published. The idea of Government interference in the nomination of bishops, Ponsonby's deductions, authorised or not, and Milner, were all seen as the one abomination, and it was soon evident that the group of bishops with whom the politicians were most in touch and to whom, apparently, Milner owed the prestige of his appointment as the hierarchy's agent, did not represent the public opinion of the Irish nor even the views of the hierarchy as a whole. Dublin was placarded with satires on these veto-bishops and Milner was burnt in effigy, since "not having the fear of God before his eyes, but being moved by the instigation of the devil, under the form of thirty pieces of silver, he has conspired to adopt certain resolutions subversive of the faith he has sworn to protect."

"When Lord Grenville and his friends," the anti-Catholic Redesdale wrote to the Speaker, "stated in the House of Lords that they had authority to say the veto would be conceded I ventured to doubt. I thought I knew too well the character of the Roman Catholics of Ireland to think it would be conceded,"[19] and in fact the Irish bishops when they met in the September, pronouncing on the question for the first time as a hierarchy, unanimously declared "that it is inexpedient to introduce any alteration in the Canonical mode hitherto observed in the nomination of Roman Catholic bishops." "These subtle malignants" one of the anti-veto prelates wrote of the Government, "will contrive to make every one of the episcopal qualities clash with their loyalty, and continue objecting till they get their immoral blockhead, their drunken infidel, their cringing tale-bearing sycophant consecrated."[20]

The Irish bishops passed a vote of thanks to Milner, but only when his patrons, Archbishop Troy and the Bishop of Cork, pledged him for the future not to speak or write in favour of the Veto, and slowly, very slowly, it would seem, Milner ceased to be its advocate. "To refuse the Crown's protection and favours by

refusing it the power of objecting to one, two, or three candidates would in my opinion be folly. The common people in Ireland are *mad* upon the subject. They consider the matter in a political view and are determined to have a something, be it what it may, which has no connection with the hated English. The bishops have been forced to yield to their prejudices. Our Parliamentary friends here are almost as mad as they are, and have threatened to give me up, unless I consent to give the bishops up. This I have refused to do, as I refused to sacrifice the bishops to the democrats of Ireland who would gladly have spared me if I would have sacrificed them."[21] It is almost the last expression of Milner's advocacy of the veto. Henceforward he stood loyally by his Irish principals, refusing "to give the bishops up," and in his simple doctrinaire fashion, speedily developing through this loyal intransigeance into an opponent of the Veto in all and any shape, more terrible and more furiously zealous even than the Dublin mob who had likened him to Luther and Calvin and burnt him in effigy as another Iscariot.

The debate of 1808 was the first introduction of the Veto question into the political life of the English Catholics, and though their bishops took no public action in the matter, Dr. Gibson, the Northern Vicar-Apostolic, condemned it roundly in the spirit and language he had used in 1791. The London bishops were less decided, not advocates indeed of any scheme that involved the Veto, but resigned to accept it—subject always to the ruling of the Holy See—should it be proposed as a *sine qua non*. The calm in which they discussed the proposal was soon rudely broken. The Catholic aristocracy in England, inactive since the settlement of their dispute with the bishops now nearly twenty years before, had reorganised in 1808 as The Catholic Board, and (Milner criticising their every step) entered into negotiation with the leaders of the opposition, Earl Grey and Lord Grenville. The action of the Irish hierarchy in 1808, Milner's volte face and the pamphleteering by which he justified it, had cooled the enthusiasm of the Liberal politicians in no small degree, and it was "with a view to reconcile our cool friends to the Catholics"[22] that these negotiations were begun. The

rumour spread immediately through Ireland that the English Catholics were arranging to accept the Veto, and the Archbishop of Dublin, taught by the experience of 1808, wrote ominously to the London vicar that "were I or any of our Prelates to advocate it, we would be considered as apostates from our faith, and forfeit whatever influence we have over our respective flocks."[23] By the time this letter reached Dr. Douglass the decisive action had taken place.[24]

The negotiations reached their turning point when Grey on January 29th, 1810 asked for a pledge from the Catholics "respecting the loyalty of those who should be appointed to the Prelacy," and himself suggested a formula to express it. The formula was not accepted because where the Board had promised the Irish bishops not to act independently of them, it definitely committed future Catholic action. A further conference with Grey resulted in a formula that was less definite—the last of a series of five resolutions that were proposed to a general meeting of the Board on the following day, February 1st.

The resolution sought to express the spirit in which the Catholic petitioners acted. It spoke of their "desire to secure, on the most solid foundation, the peace and harmony of the British Empire" as actuating them equally with the sense of their own hardships and disabilities, and in noticing the popular fears that their further emancipation would be prejudicial to the established religion, declared their persuasion "that adequate provision for the maintenance of the civil and religious establishments of this Kingdom may be made consistently with the strictest adherence on their part to the tenets and discipline of the Roman Catholic religion." Finally the resolution declared for the Catholics that "any arrangement on this basis of mutual satisfaction and security, and extending to them the full enjoyment of the civil constitution of their country, will meet with their grateful concurrence."

Once more a formula pledging the future action of Catholics had been drawn up by the laymen in conjunction with their Protestant allies, and as on the other occasion, the formula was vague and ambiguous. Grey denied that he had intended the

resolution to mean anything more than the willingness of the English Catholics to accept whatever arrangements Government proposed, should they find them acceptable. On the other hand Grey, and Grenville his colleague, were both insistent on the necessity of Catholics giving securities for future loyalty, and equally insistent in their advocacy of the Veto in some form or other. Less than a week before this Fifth Resolution was drawn up and while the negotiations were in progress, Lord Grenville had published his views in a letter to one of the Catholic Leaders in Ireland, himself a Vetoist, the Earl of Fingall—a letter that the Archbishop of Dublin took as Grenville's formal reply to the hierarchy's anti-veto resolutions of 1808. That the Fifth Resolution borrowed much even of its phraseology from the *Letter to Lord Fingall* may have been pure coincidence. To the Catholics who were opposed to the action of the English Board it merely confirmed their first suspicions.

When the meeting took place on February 1st, the three bishops present—Milner, Poynter and Collingridge—pleaded for a delay, Poynter that the Northern Vicar-Apostolic might be consulted, Milner to allow him to consult the Irish bishops. Dr. Poynter was satisfied by a declaration that any assurance committing Catholics to specific terms would be submitted to the bishops, while Lord Stourton cut short Milner's persistence with the helpful remark "what have we to do with the Irish? We have nothing to do with them but to pray for them." None of the bishops voted for the Fifth Resolution, but when the meeting came to signing the Petition that embodied it, though Milner persisted in his refusal—as he had resisted the attempt to win him over made on the eve of the meeting—the other bishops set their signature to it. Dr. Douglass, the London Vicar, signed it the day following, and the Northern bishops too—upon Grey's once more declaring in writing that it did not allude to the Veto —signed the Petition when they arrived in London a fortnight later.

Whatever the intentions of those who framed it, the Fifth Resolution produced an immediate and serious breach of relations between the English and the Irish Catholics, and even between

the bishops of the two countries. The Irish bishops, with Lord Grenville's *Letter* before them not only re-affirmed their original opposition to the Veto, but denied the competency of any but bishops to discuss and decide matters concerning Church discipline—a hit at the English aristocracy's negotiating such matters —and thanked Milner "for his late Apostolical firmness in dissenting from and opposing a vague, general and indefinite Declaration or Resolution, pledging Roman Catholics to an eventual acquiescence in arrangements possibly prejudicial to the integrity and safety of our Church discipline."

The months between the events of February and the parliamentary debate in May were filled with controversy, Milner leading, and using every violent weapon of the controversialist as argument to discredit and defeat those who had signed the Resolution. His efforts received recognition in the debate itself when Ponsonby once more denounced him by name. Grey and Grenville declined to hold any further communication with him, and on the petition's being defeated, once more by heavy majorities, the Catholic Board publicly dissociated themselves from his political opinions and conduct. More serious still, the differences between Milner and his colleagues, the other English bishops, came to a head in a formal letter of complaint in which, after complaining of his serious misrepresentation of their views and their actions, they called upon him to make reparation for the scandal he had caused. Milner replied in fifteen closely written pages that concluded with an exceedingly unpleasant attack on the London Vicar's administration of his district. Henceforth between Milner and his brethren there was war openly on every subject of administration and policy that lent an opportunity for difference of opinion. If they were lacking in decision, hesitant in action and too easily inclined to accept the inevitable before it came, it was only too true, as they themselves complained, that Milner's "zeal is not always according to wisdom; his vigilance often extends itself to usurpation of another's jurisdiction, and that firmness which he so studiously extols, is not always accompanied by those virtues without which it cannot truly be called Apostolic."[25] Such a character is

rarely in its right place outside crisis and the action crisis calls for. If Milner figures badly in the intervening controversies, in the action of a crisis his great figure steps free of all the pettiness that encumbers it, and once more in 1813 Milner's moment came.

Changes in the political world began to favour the Catholic Cause. The old king, deaf and blind, had fallen into that pitiful insanity from which death alone was to release him, and when the Prime Minister was murdered in the House of Commons on May 11th, 1812 by a trader whose losses had bereft him of reason, Protestant Ascendancy lost another of its most convinced defenders. It was a month before the ministry was rearranged, a month of crisis in which the Catholic Question played the principal rôle, and in the re-arranged Cabinet over which the Earl of Liverpool presided, the old attitude of official hostility to Emancipation was abandoned. Henceforth for fifteen years Government was neutral and Emancipation an open question for its members. The effect was seen immediately in the first Parliamentary success of the Catholic Claims—the adoption, on June 22nd, 1812, of Canning's motion to take into consideration in the next Parliament the Law relating to the Roman Catholics in Great Britain and Ireland. The proposal was carried by 129 votes in the same house which only eight weeks earlier had rejected a like proposal by a majority of eighty-five.

Parliament was dissolved in the July, and "a great infusion of Protestants into the new Parliament" raised the hopes of the "Protestant" section of the Cabinet. The Speaker, Abbott, gives in his Diary the names of its chiefs. The Prime Minister, Sidmouth, and the Lord Chancellor, Eldon, "will resist any enquiry as they mean to resist concession," Harrowby, Melville—that was Dundas—Bathurst and Mulgrave are ready to concede everything.[26]

To prepare public opinion before the coming debate the Catholic Board issued an address to the English People, and Charles Butler issued another. Petitions to Parliament, in favour of the Catholics and in protest, poured in to the number of one hundred and fifty, and, once more, the phraseology of the

petition from the English Catholic Board gave rise to disputes. Bishop Poynter feelingly described his position "a difficult situation with Government on one side, Dr. Milner and the Irish bishops on the other, and the English Catholics standing between, but all waiting to see what we shall say to the proposal of arrangements."[27] To the laymen he expressed the bishops' desire that there should be no ambiguity in the wording of the petition and his own disapprobation of any allusion to "arrangements." At the meeting which adopted the petition none of the bishops was present, and the supporters of the rival policies arrived at a formula which satisfied both. They protested that further securities could not reasonably be required, but confidently left it to the wisdom of the legislature not to demand them.

When Parliament reassembled, Grattan, introducing the petition from the Catholics in Ireland, secured a majority of forty for his resolution, and immediately, with Ponsonby, set himself to prepare a Catholic Relief Bill. The drafting, on the lines they laid down, was entrusted to Charles Butler, and on April 30th, the Bill was read a first time. It gave to Catholics the right to vote at elections and to sit in Parliament, removed the restrictions that practically closed to them a career in the services, and, with a couple of exceptions, threw open to them all the great offices of State. The only securities asked were a new Oath of Allegiance, and for the Clergy a special Oath pledging them in elections to vacant sees to vote only for candidates of approved loyalty. There was a further proviso that no foreigner was to be appointed to a See in Great Britain and Ireland. The Bill passed its second reading on May 13th, with a comfortable majority of forty-two, and then, once more crisis suddenly descended.[28]

Canning had already given notice that he meant to propose in Committee additional securities, and these, when published a few days later, provided a Government Veto on the nomination of bishops and a Government censorship on the correspondence of the bishops with the Holy See. As finally proposed by Canning, after consultation between the framers of the Bill, himself and Castlereagh, the new clauses provided for the execution of

the Veto and *exsequatur* through two commissions, one for Great Britain one for Ireland. The commissions were to certify the Government of the loyal dispositions of the priests nominated to vacant Sees, and to examine the bulls and dispensations received from Rome. They were to consist, in each case, of five notable Catholic laymen, one or more Protestant Privy Councillors, with, in England, the Vicar-Apostolic of the London District, and, in Ireland, the archbishops of Armagh and Dublin. Abbott described the object of the amendments in language Milner himself could not have bettered, "clauses to rest the nomination of Roman Catholic prelates virtually in the Crown, and to restrain intercourse with the See of Rome."[29] Plunket, for the "Emancipationists," declared that "the Protestants ought to be contented with them, and the most conscientious and scrupulous Roman Catholics could not object to them." He had reckoned without Milner, as indeed had all his party.

As soon as the details of Canning's proposals were published Milner[30] hurried to London, his course of action determined. He called on Dr. Poynter and invited him to join in fighting the bill, but illness and, more than illness, a distrust of Milner's activity that every year only deepened, led him to refuse. Milner, with 1791 in his mind, drew up "*A Brief Memorial on the Catholic Bill*," which, as before, he circulated among the members of the House of Commons. The Catholic Board, equally true to the precedent of the earlier crisis, rejoined in a fly-leaf that attempted to discredit Milner's authority, inviting Parliament to "proceed in its progress of benevolent concession, regardless of interference of unaccredited individuals." This rejoinder was in circulation on the day fixed for the committee—May 24th, 1813—a day filled with happenings, for in the morning Milner met two of his brother bishops and a number of the Catholic Board. In a stormy scene he asked the other bishops publicly to declare their opinion on the Bill. But though they could not but share his views as to its wholly unacceptable character, they shrank, in their mistrust of Milner, from joining in his action, Dr. Poynter pinning his hopes to the sympathy of an unnamed influential friend in Parliament.

In the event it was Milner who decided the fate of the Bill, Milner and the Speaker. Abbott, fresh from anxious enquiries as to the divinity taught at Maynooth, spoke at great length, and capped his exposition of the dangers of entrusting political power to Catholics with the declaration that even this Bill's passing would not end the strife. The Catholics themselves did not want it. Finally he moved that the clause admitting Catholics to Parliament should be deleted, and after a fierce debate, carried his amendment by four votes in a very full house. The promoters of the Bill thereupon abandoned it.

Abbott was the hero of the hour. The Archbishop of Canterbury, for himself and the other bishops, thanked him for the service he had rendered the Church, and the Pitt Club awarded him its gold medal for his "dignified, patriotic and manly support of the great cause of Constitutional freedom . . . and for the expression of his determination to maintain inviolably, etc., etc. . . ."[31] The Catholic Board turned its attention to Milner.

To the Board, Milner was simply the man who had wrecked their schemes, and they determined to mark their disapproval of his action publicly and offensively by expelling him from their midst. He was privately warned of what was intended, and his resignation suggested as an easier way out. Characteristically he refused "because this would appear to be disavowing a conduct in which I must for ever glory," and, punctually to the minute, he walked into the meeting. The scene has often been described. The Board passed one resolution after another, that the *Brief Memorial* had their most marked disapprobation, that they renewed their former disclaimer of any responsibility for the bishop's political action, and then Milner was asked whom he meant when, in the *Brief Memorial*, he had spoken of "certain false brethren of the Catholic body." "Charles Butler there for one," he replied, and the Board thereupon passed a resolution thanking Butler for his services, and declaring Milner's charge "a gross calumny." A last resolution expelled the bishop. He stood up to read the spirited reply he had prepared. It need hardly be said it was no apology. He boldly denied the Board's right—sixty-five persons—to speak for the Catholics of the

United Kingdom, since "it does not represent them or any part of them, having no delegation from them," and repeated his objections to the Bill—objections given a new importance since he wrote his *Memorial*, by a vote of the Irish hierarchy adopting them. It was indeed Milner's glorious hour, and as he left the room he turned with a last word. "You may expel me from this Board, but I thank God, gentlemen, that you cannot exclude me from the Kingdom of Heaven."

It was Saturday, May 29th, 1813, and at Dublin the Irish bishops were bringing their week of anxious deliberation to an end. They had already condemned the security clauses of the proposed bill in a joint pastoral letter, since "it might perhaps be imagined were we to be silent that they had our unqualified approbation," and now they voted their tribute to Milner, "that the Right Reverend Dr. J. Milner, Bishop of Castabala, our vigilant, incorruptible agent, the powerful and unwearied champion of the Catholic religion, continues to possess our esteem, our confidence, and our gratitude."

Dr. Poynter, anxious for guidance in the event of the Bill's reappearing, wrote to Rome. It was the Catholic cause's dark hour. There was division between the Catholics in Ireland and the Catholics in England, division between the English bishops, bitter controversy between the lay leaders of the English Catholics and the bishop most active in public life, no leader, no policy, everywhere suspicion and mistrust, and apparently at an end for ever the interest and goodwill of the pro-Catholic opposition, disgusted at seeing their plans wrecked by Catholics. The result of Dr. Poynter's petitions to Rome completed the confusion and disarray.[32]

It was by a Curia disorganised as had not been the case for centuries that his letters were received. For nearly sixteen years now that elaborate machinery had functioned under the greatest difficulties. One Pope had died in exile, the prisoner of the French Republic, his successor was also at the moment the prisoner of the Empire that had succeeded to the Republic, and the Cardinals through whose presidency over the different congregations the Pope normally ruled, were dispersed throughout

Europe. In charge of the important congregation for the Propagation of the Faith, to whose care the United Kingdom as a missionary country then fell, was an aged ecclesiastic, ruling as Vice-Prefect, Mgr. Quarantotti. Bishop Poynter's agent—the Rector of the Scots College in Rome—set to work to influence this venerable man in the right direction. By one of those clever misrepresentations that so often come naturally to the trained legal mind, he induced Mgr. Quarantotti to reprove Milner for the curiously unepiscopal language of his polemics, and Archbishop Troy for interfering in the dispute between the English bishops, and then, with an ingeniously garbled summary of Bishop Poynter's letters, directed Quarantotti's attention to the question of the Veto. A special commission, composed of what ecclesiastical lawyers and theologians the Vice-Prefect could gather, was appointed to advise him, and for this commission's use, a series of Observations was drawn up by Dr. Poynter's agent. The need for immediate action was urged, and the competence of Mgr. Quarantotti to give a decision. The late Relief Bill of 1813 should be approved, and the whole matter dealt with in such a way, it was suggested, as not to offend the British Government whose influence could so powerfully affect the position of the Holy Father and the temporalities of the Church.

The Commission met on February 15th, 1814, and its advice was formulated in two rescripts which Mgr. Quarantotti signed. He first examined the delicate question of Catholic policy in relation to the defunct Relief Bill, and decreed "that Catholics may with satisfaction and gratitude accept and embrace the Bill which was last year presented for their emancipation in the form in which your Lordship has laid it before us." The second rescript, recalling the mutual friendly offices of the Holy See and the British Government in the long war with the French Revolution, commissions Dr. Poynter to use his influence with the King (!) not only to secure Emancipation, but also to ensure that in any treaty with France the Papal dominions shall be integrally restored, seeing how necessary they are to the free exercise of the Pope's spiritual office.

The two rescripts reached England at the end of April, and besides the bishops to whom they were addressed, copies of the documents that concerned the late Bill were soon in the hands of the politicians too, who conned them as eagerly as did the clerics. The English bishops were satisfied, and the Catholic Board claimed it triumphantly as a vindication of their policy. In Ireland it was received very differently. Though Dr. Troy was prepared to accept it as final, his colleagues were of another opinion, and among the lay Catholics it raised a very hurricane of angry criticism. The Bishop of Cloyne had read it "with feelings of disgust and indignation," and his brother of Killaloe acknowledging to Dr. Poynter his receipt of it wrote, "I have received with indignation your Lordship's letter, together with Mgr. Quarantotti's detestable rescript. I am well aware that the result of this pernicious measure, if carried into effect, would be virtually fatal to the Catholic Religion of Ireland," and he protested his determination to resist it "while I have breath in my body."[33]

The whole body of the Irish bishops met at Maynooth, expressed their conviction that the rescript was not binding, and deputed Bishops Murray and Milner to lay their case before the Pope himself now returned to his capital. Milner had already gone to Rome, and by the time Dr. Murray arrived, his activity had secured that Quarantotti's decision, without prejudice to its author, would be re-examined by the Cardinals of the congregation.

During the Curia's long exile from Rome arrears of work had inevitably accumulated in the different congregations. Milner's personal differences with his episcopal brethren, that he now brought officially before the notice of their Eminences, added yet other considerations to make decision less speedy, and before the promised special commission reported, Napoleon had escaped from Elba and the Pope with his Curia fled once more, this time to Genoa, before Murat's invading armies. Thither Milner followed, Dr. Poynter in his wake, and, after a last direct appeal to Pius VII to decide the matter, he returned to England.

Ten days later the decision was given—the so-called Genoese

Letter.[34] It was influenced very largely by the conversation that had taken place at Vienna between Castlereagh and the Papal representative at the Congress, Cardinal Consalvi. It gave specimens of oaths that the Catholics could take with a safe conscience, and it announced that a certain limited right of interference in episcopal elections could be tolerated, so long as care was taken "to leave a sufficient number for his Holiness to choose therefrom individuals whom he may deem best qualified for governing the vacant churches." The *exsequatur* the Pope refused even to discuss, and Quarantotti's rescript was revoked. The new document was intended to express in general terms the limits of possible concession, should securities of this nature be demanded by Government as an essential condition of Emancipation. The English bishops professed themselves satisfied with it, and Milner, although he doubted the wisdom of its apparent promise of concession, strove out of loyalty to the Holy See to induce the Irish bishops to accept it as final. They did not agree however, and in a series of vigorous resolutions declared once more that any such power of interference in episcopal elections granted to the English Crown "must essentially injure and may eventually subvert the Roman Catholic religion in this country." They proceeded to "declare most unequivocally that we will at all times and under all circumstances deprecate and oppose in every canonical way every such interference," and with every expression of loyal veneration to the Pope, once more selected two of their number to lay their case before him.

Here we may leave the story of the Veto. With the end of the long war political conditions changed. "The fear of the Pope revived," said Sydney Smith, "as the fear of Bonaparte receded," and interest in the Catholic Question, save that of instinctive opposition, died out completely. The story of the further negotiation between the Irish bishops and Rome is of less importance to English political history, for when the question of the Veto reappeared it was in the course of a new Catholic agitation carried through with strangely different procedure, and under circumstances that offered little employment for the subtle accommodations of canonists and theologians.

### (*ii*) *Doldrums* 1815—1823

THE dissension among the Catholics to which the defeat of Grattan's Bill in 1813 gave rise, and the long drawn out disputes that for the next three years centred round the Quarantotti Rescript, brought to an end inglorious indeed the hopes and activities of the first fight for emancipation in the imperial Parliament.

The alliance of Catholic aristocrats, Catholic wealth and liberal politicians fell to pieces, a period of stagnation set in that was to continue all through the next ten years, and, once more, it is with the varying phases of the problem of governing Ireland that the fortunes of the Catholic Question rise and fall.

In Parliament too political life was stagnant. The country was as universally Tory as, sixty years before, it had been universally Whig. Of the Opposition Grenville had retired, and Grey away at Howick "sat still, sat too still,"[1] while the effective leadership of the party fell to whomsoever was interested enough to take it. Whitbread died in 1815, Ponsonby two years later, and perhaps the Whigs' greatest loss, Sir Samuel Romilly in 1818. Something like fifty years of effective exile from power had come very near to killing the old Whig tradition in the Whig party, and the hour of the new forces that were to recruit its strength, the liberal Tories and the middle-class Radicals, was yet to come. The Whigs were in fact exhausted by half a century of unprofitable effort in opposition and of continual struggle against the sense of inferiority thereby induced, the dominant party was increasingly rent by factions, and, after 1801, the Catholic Question supplied the factions with an opportunity and a pretext. The resignation of a pro-Catholic ministry in 1801, and the immediate formation from the bosom of the very same party of an anti-Catholic ministry to succeed it, was a parable in which observers might have read the history of the Tory party for another generation. Political differences, never really differences of principle, came to centre more and more bitterly around personalities—Pitt and Addington in the first years, Canning and Castlereagh at a later time, Canning and Peel in the last period of all, while

the erratic genius of Lord Wellesley wandered between the rival camps bitterly energetic and, despite continual disappointment, ever open to new disillusionment.

As in the heyday of the Whig oligarchy, so now in this later time of Tory supremacy, political conflict degenerated into a factious rivalry of personalities. There were bitter intrigues of this sort when the Duke of Portland resigned the Premiership in 1809, and bitter intrigues once more followed the murder of his successor in 1812. The simplest solution as always, the only practical way out, was the elevation of mediocrity—Perceval in 1809, Lord Liverpool in 1812. Eighteen hundred and nine had been an unlucky year for the Cabinet. Foreign affairs continued to go badly, Napoleon breaking Austria once more, and our own military ineptitude disgracing itself in the disastrous expedition to Walcheren. At the War Office there was the scandal of the Commander-in-Chief's mistress securing promotions and advancements for payment cash down, and there was the publication of the long-preparing quarrel between Castlereagh and Canning. The vacillation of the aged Prime Minister, unwilling as ever to be decisive, unwittingly provided its opportunity. Both the statesmen resigned, and in the duel that followed Canning was wounded. Portland too resigned a few weeks later; and from out the inevitably interested negotiations between the bitterly factious heirs to his succession, Perceval emerged as Prime Minister.

The rearranged Cabinet was, of course, essentially a compromise, but Sidmouth, as well as Castlereagh and Canning, remained outside it. It went uneasily from one crisis to another, criticised at every turn by Tories and Whigs alike, surviving by the luck of fortuitous combinations arranged *ad hoc*. Less than six months after its formation, in March 1810, there were already rumours of impending changes, rumours that linked as chiefs of the new arrangement Wellesley the Foreign Secretary and the exiled Canning. In October the same rumours were once more beginning to circulate when, suddenly, the King's mind once more gave way—as it proved, finally—and to the already complicated opportunity for intrigue was added the probability of

the Whig's return to power, for once more the Regency Question arose, and finally, 4th February, 1811, the Prince of Wales was named Regent with carefully restricted powers.

The Prince had already ceased to be the unofficial patron of the Whig opposition, and drawing nearer and nearer to the more congenial philosophy of Eldon and Perceval, he decided now to retain their services. Then, to strengthen the Government, he tried to bring in the Whigs. Through Moira, Grey was sounded. He objected the Catholic Question on which, as he explained, June, 1811, their disagreement with Perceval was "fundamental and irreconcileable." This ended the negotiations for the moment, but when six months later Wellesley's resignation once more threatened to weaken the Government and add a formidable critic to the Opposition, the Prince again approached the Whigs. Again they objected their differences with Perceval, too fundamental to make a coalition even possible and, *nominatim*, their differences on the question of Irish Government. "To recommend to Parliament the repeal of Catholic Disabilities was the first advice they would feel bound to offer His Royal Highness,"[2] and again the attempt failed to form a Government that should be more than a chance combination of jealous rivals. This was in February 1812, and when, 11th May following, a bankrupt lunatic murdered the Prime Minister in the House of Commons, political chaos followed immediately.

The Whig leaders—Grey and Grenville, at all events—expected to see a reconstruction with Wellesley and Canning at its head. No other alternative to themselves seemed possible, and so, though they would support such an administration since its views on the Catholic Question would be acceptable, they decided in advance to refuse to join it.[3] A week went by without any advance from Wellesley, who, with Canning, had in the meantime impressed on the Regent that, given the critical state of affairs at home and abroad, no administration could be formed without stronger materials than the Tory party offered. Lord Liverpool—at the War Office since the reconstruction of 1809, and with Castlereagh, who had returned on Wellesley's resignation, holding together the disorganised Cabinet—interviewed

both Wellesley and Canning. He was unable to reconcile either of these Tory dissenters: Wellesley because "a postponement of the Catholic Question" was the most prominent point in the offer, Canning for the same reason. "In the actual state of the Empire he felt more than ever the necessity of promoting the success of that measure." No Government, he was convinced, could be strong that left the Catholic Question unsettled.[4]

Ten days had now gone by with the country facing crisis in the war abroad, bread riots and frame-breaking apparently endemic at home, and no Government, no sign of a Government, because the Catholic Question divided the Tory leaders. On May 21st the House of Commons voted an address to the Regent asking him to form a strong administration. The headless Perceval Cabinet thereupon resigned, and the Prince commissioned Wellesley to negotiate between the politicians and to draw up "a prospectus" for his consideration.

In virtue of his curious commission he approached Grey and Grenville. Two principles were stated as the basis on which the administration would be formed, abroad the prosecution of the Peninsular War, and at home the settlement of the Catholic Question, "a moderate concession to the Catholics," Wellesley explained, the repeal of all disqualifications, but gradually, with time for consideration so as to reconcile opinion. . . ."[5]

The late ministers declined any communication with Wellesley, and when, on 1st June, three weeks after Perceval's death, he received the Regent's commands to form a Government, once more he approached the Whigs. The terms were the same as before, but Grey and Grenville, determined not to join in a coalition, refused. A further advance from the Prince three days later, through Moira, met with no better success, and finally, despairing of Wellesley's achieving anything, and settled not to commission the Whigs, George turned to the Perceval Tories, and Liverpool reassembled his loosely-jointed coalition of mediocrities.

As an administration it was no stronger than that which under Perceval had barely survived from one crisis to another. But the fortunes of the foreign war were at the turn. The long tale of

French victories was closing and before the growing menace of social discontent at home the factions of the aristocracy united once more instinctively. Canning was glad enough to creep back later into a minor post. Wellesley, too, rejoined his one time colleagues, and Liverpool, by carefully ignoring questions that any section of his followers was strong enough to insist should be ignored, and by a patient tact that refused to be offended or to take criticism personally, maintained himself and his party in office for another fifteen years. The Catholic Question, notably, was an open question for his Cabinet and never through all those critical years did it disturb the harmony of their deliberations, never again, by the divisions it caused, hold up the country's government for days and weeks of crisis.

Castlereagh in the House of Commons proclaimed the new Government's policy on the Catholic Question. It "would not, as a Government, resist discussion or concession, if any such should eventually be thought expedient: . . . every member of the Government would be free to act upon his own individual sentiments, and . . . he individually should promote these concessions according to his own views, if the temper of the Catholics and other circumstances were favourable."[6] So expressed, and by the man who more than any other was now the most influential of the pro-Catholic politicians, the policy did not promise much, and it was to remain the Government's policy until, fifteen years later, the sudden loss of Lord Liverpool provoked a new crisis, the greatest crisis of all. Until that crisis Liverpool reigned with unexpected good fortune, though his chronically unstable coalitions, "so singular a mixture of discordant materials, that I believe they unite much in the same manner as oil, vinegar, mustard, salt, etc., are united for the purpose of a salad: they are beaten and jumbled together, and are always disposed to separate when not so beaten."[7]

Inevitably their common action was easier in denial than in assertion, in restraint than in construction, and one question never disturbed the harmony of their meetings, the question of the Government of Ireland. It was one of the fundamental simplicities of politics, and here, at any rate, there was always

accord. Ministers might disagree whether or no emancipation could be granted compatibly with the security of the Ascendancy that derived from 1688, but on the practical question of protecting Ascendancy interests they were of one mind, and Sidmouth and Peel, given a free hand in their policy of coercion, had the Cabinet's united support.

The problem of the Government of Ireland now lay in the chronic strain between the Administration and the Catholics, where thirty years earlier the strain had been between the Administration and the Protestant Reformers, and, in the generation earlier still, between the Administration and the Colonial Aristocracy. And the new strain was the most dangerous of all, for it was no mere section of the population that was at odds with the Government, but the nation itself, oppressed for centuries, only recently escaped from a system designed to destroy it, educated now by twenty years of a novel political agitation, tried by its social wrongs even more than by political injustice, utterly divided by religion as by race from those who governed, and, as the years swept by after the Union, increasingly hostile to that Government from a new consciousness of separate nationality. Moreover, this Catholic population was increasing its numbers at a rate beyond all precedent. The largest decennial increase before 1751, as far as can be ascertained, was no more than 3 per cent., by 1781 it had risen to 6 per cent., for the ten years that ended with the Union it was as much as 11 per cent., while in the thirty years that lay between the Union and Emancipation the population increased by more than a half. Between the two countries, Great Britain and Ireland, the proportion of inhabitants, which in 1911 was something like nine to one, was in these thirty years barely two to one, and Plunket simply described the facts when in 1816 he spoke of Ireland as "a gigantic form rising at the side of Great Britain, and the question now was whether it should be converted into a friend or an enemy." For this gigantic form might acquire a high degree of political importance.

The Catholic Relief Act of 1793 had made it possible for Catholics in Ireland to vote. In the boroughs, it is true, vested

interests had largely nullified the Act. "By practice and systematic usage," said Jeffrey in 1807, "the legal disabilities still operate, scarcely [is there] a single instance of the Lord Lieutenant granting licence to admit [Catholics] into a corporation, in practice they are excluded from the juries."[8] Long after the Relief Acts were passed O'Connell complained that the spirit in which the letter of the law was acted on was a far greater grievance than the letter of the law itself. Catholics, for example, had at one time been debarred by Statute from acting as directors to the Bank of Ireland. A Relief Act removed the restriction, and the Bank authorities then nullified the Act by instituting a new Director's Oath that no Catholic could take, and so continued the exclusion for another forty years. As late as 1844 only three out of the Bank's two hundred and twenty clerks were Catholics, and in all the Dublin companies there were no more than a bare half-dozen Catholic freemen. Not for nearly fifty years after the Act of 1793, not until the Corporation itself had been remodelled by a further Act of Parliament, did Dublin receive its first Catholic Lord Mayor, and six years after Emancipation, as late as 1835, a Government commission could report that "in the close boroughs [Catholics] are almost universally excluded from all corporate privileges . . . with a few exceptions they are altogether excluded from the governing bodies. . . . With the exception of Tuam, Galway, Wexford and Waterford the rule is exclusion . . . [though] in most of the cities and towns they constitute not only a majority of the population, but a large proportion of the more opulent orders."[9]

But in the counties the position was very different. There the Act of 1793 had the immediate effect of giving the Catholic peasant a new value in his master's eyes, and "the Protestant landlords almost universally changed the terms of their popish tenants, which were before for terms of years, into freehold leases . . . they have made almost the whole of the Catholic peasantry forty-shilling freeholders since the year 1793." Thus in the new United Kingdom there were tens of thousands of Catholic voters—the forty-shilling freeholders of the Irish counties—where in the England before 1801 Catholics did not

control a single approach to Parliament. These Irish voters were wretchedly poor, the misery of their lives, if Government reports are testimony, greater than ever before in the years that followed 1801, and they were utterly dependent, in those days of open voting, on the goodwill of their landlord. They were still, as the Protestant forty-shilling tenants of whom Wolfe Tone spoke the phrase, driven in herds to the electoral market, but in their general if nominal admission to the exercise of political rights, there lay a possibility of change.

Change would come with the leader who had political genius to inspire and to organise them, these thousands who as yet knew not their power, were indeed scarcely conscious of anything beyond their daily misery. That leader was now at hand, and this period when the older Catholic movement, the movement of Parliamentarians, was rotting in stagnation saw his emergence in full stature—a gentleman of Kerry, Daniel O'Connell.

O'Connell was the descendant of an old Catholic family of the purest native stock, and like all his generation, his early education had been received abroad, at St. Omer and Douay. The Relief Act of 1793 came in time to allow him the chance of a legal career, and he was called to the Bar in 1798. In little more than ten years he was its leading figure,[10] an advocate of a boldness miraculous in a Catholic, skilful in cross-examination as only a man could be to whom the nature of his race was an open book. He had all that race's humour, all its faults. He was gifted with all its acute political perception, and, in the highest degree, with its skill in political organisation. Later he was to discover a talent for popular oratory that made him the first—and the greatest—of modern demagogues. He was no dreamer, never a mere idealist, but from the outset a sternly practical reformer whose mind never lost sight of the realities of the situation, and it was in the practical affair of opposition to the Union that he made his first entry into politics. It was in the same realist spirit, to remove the everyday pressure of an alien Ascendancy, that he gave his whole life to undo the work of Pitt and Castlereagh, and, a first step towards its undoing, to restore to the Catholics political liberty.

His national reputation had been secure ever since his defence of a Dublin editor in 1813 for political libel, when, despairing of justice from the inevitable packed jury, he made the courthouse a tribune whence he delivered a tremendous attack on the whole system of English Government in Ireland: an attack, said the Chief Secretary, who sat listening, "even more atrocious than the libel he proposed to defend."

The speech and the circumstance in which it was made marked him out as the coming leader, and a duel, two years later, in which he killed a political opponent who had challenged him in the hope of bettering his own political future, won him finally and for ever from the Catholics of his generation a loyalty more universal and more wholehearted than has ever been given to any Irish leader before or since.

In the re-organised Catholic Committee, O'Connell had from the first been a force. His action was apparently from the beginning governed by the simple idea "that our first duty seems to be to procure emancipation *as Catholics*, if we can, and if we cannot, then, *as Catholics*, to remain unemancipated. In either event, to remain *Catholics* in discipline as well as in doctrine."[11]

The Bill of 1813, despite Plunket's endeavour to reconcile him to it,[12] he opposed strongly because of its Veto clauses, and with O'Connell this opposition continued through the years as persistently as with Milner. It was the cause of a serious breach between himself and Grattan, and in the convulsion of feeling that swept Ireland upon the publication of the Quarantotti rescript, O'Connell's hatred of the Veto flamed out in speeches that easily outdid all his contemporaries in their anti-papal violence.

It was "an attempt made by the slaves of Rome to instruct the Irish Roman Catholics upon the manner of their emancipation," the fruit of a bargain between Cardinal Consalvi and Castlereagh. "Consalvi, the Italian, either betrayed or sold our Church to the British minister at Vienna; indeed, the exact amount of his price is stated to be eleven thousand guineas. Though a cardinal, this man is not a priest. He is a secular cardinal just fit for any bargain and sale; right glad, I presume,

to have so good a thing to sell as the religion of Ireland. Quarantotti—the odious, the stupid Quarantotti—and Cardinal Litta, and the Pope himself are all, of course, foreigners." He called on the Irish Catholics to protest and to resist to the last, and prophesied that the clergy who submitted to the Veto *régime*—"the Castle clergy"—"would preach to still thinner numbers than attend in Munster or in Connaught the reverend gentlemen of the present Established Church." The determination found expression in language as strong. designed to reach the Pope himself, an address from the laity written by O'Connell and presented to Pius VII in 1815: "We most humbly but most firmly protest against the interference of your Holiness," it declared, "or any other foreign prelate, State or potentate, in the control of our temporal conduct or in the arrangement of our political concerns. We cannot admit any right on the part of the Holy See to investigate our political principles or to direct our political conduct. . . ."[13]

O'Connell in 1820, still in his early forties, was already a power, popular with the masses of the peasantry, and already, with the prestige of a hundred court-room victories over the Ascendancy, a legendary figure, the recognised champion of the new people. Free from any tie or obligation binding him to a particular English political faction, he was as bold in the language of his speech as he was skilful in its occasion. He was a power that had grown without the patronage of the Ascendancy, and independently of its control. He was, and he remained to the end, a strangely solitary figure, unfashionable, of course, bitterly ridiculed, and vilified at every turn by the Ascendancy to whose destruction his life was vowed, and which, stung by his coarse and unceremonious vituperation, found, in the inevitable eccentricities of his genius, a thousand occasions to vent its hate and spite. Whatever was lacking to the dramatic setting of this new Irish scene was given when, in 1812, the man who was for the rest of his life to be O'Connell's unchanging enemy was sent to Ireland as Chief Secretary, a youth barely twenty-four—Robert Peel.

Peel, too, was a reformer, but of the abuses that hindered the system's easy working rather than of the system itself. His sole

concern was the machinery of Government, and the people he ruled were simply raw material out of which his capitalist efficiency was to make a neat and orderly and obedient province. He was not, at this time of his life, anything of a political philosopher, and he had little or no realisation of the importance of the deep-seated economic grievances that lay at the heart of the popular Irish discontent. The crimes that were the outward signs of grievance were, simply enough, "the acts of a set of human beings very little advanced from barbarism," [14] savages to civilise whom was his first most obvious duty, and his energies were directed to establishing a police force and the system of salaried magistrates. His bureaucratic nature revolted too from the disorderly jobbery that hampered Government, revolted from it almost as much as from the disorderly crime that was Government's chief effect, and his six busy years at Dublin Castle were filled with the long effort to clear the system of whatever corruption could in safety be dispensed with.

The Irish repaid his scorn with a hatred that only deepened as Peel rapidly developed into the Protestant Ascendancy's chief orator in the English Parliament, and between himself and the Catholic champion there was an added personal bitterness that, but for the arrest of O'Connell, would twice have set them face to face, pistols in hand.

Fifteen years after the Union that was to end for ever the anxieties of governing Ireland, Irish disaffection was greater than ever. The old well-founded grievances still lay heavily; the old widespread misery and suffering that came of a social organisation radically bad; the old agrarian conspiracies flourished, inevitably, and with them a new anti-English movement bred of the economic catastrophe that the Union was already showing itself to be. The government of the country was given over, as a matter of settled policy, to the tiny Ascendancy faction whose ineptitude and religious bitterness had been the cause of all the horrors from 1795 onwards. It was under the high patronage of this ring of officials that the Orange Society had in twenty years climbed to its place of political importance, and anti-Catholic feeling was now one of government's principal

instruments, "the bloodhounds of the Orange faction," as Jeffrey said, "still caressed in the courts of the Castle."

It was Peel's achievement to systematise in the cold, formal tradition of official routine this sectarian spirit. The two nations whom Burke described stood now in the unhappy country the one over against the other. As Bedford had lamented, when Orange intrigues in 1807 drove out the last of the old Whig administrations, it was impossible under the new *régime* to govern Ireland peaceably, for the safety of the country was surrendered into the hands of bigotry and faction.[15] Fitzwilliam, ten years earlier than Bedford, had been even more explicit, and the hesitation of the English Government before the threats of the Ascendancy had produced, as he foresaw, "the loss to Government of the confidence and affection of the Catholics and the . . . rise of a Protestant cabal."[16] With Peel there came to the cabal an impersonal bureaucratic thoroughness that gave it a new strength, that by its success and the superficial order that from time to time his methodical coercion produced, won the system admiration and support in England even among those who had fought its sanction in 1800. Master in his own house, ruling his subordinates in the Castle, Peel would be master too in the Irish Ireland that lay outside it. But the other nation, the unemancipated Catholic serfs, were for the future permanently alienated from English government, suspicious and chronically disaffected. More, they had, as a disaffected subject people, found a leader, and this leader, the new champion, was one of themselves.

But before this new Ireland came into play, the Parliamentary movement made yet one more attempt to settle the problem by a reconciliation of opposites—the Catholic Relief Bill of 1821 that Plunket sponsored.

In the eight years since 1813 the dissension between the Catholics had only grown greater, disunion as Peel had noted "between the active part of the Catholic body and their Parliamentary supporters."[17] The Catholic Board found it hard to assemble even the few necessary for a quorum and the Chief Secretary raised no new difficulties for himself when in the June

of that year he suppressed it. The Catholic Question, he wrote delightedly to Abbott, had ceased to trouble political life, "strange to say, though in Ireland, I had almost forgotten it, and I believe its advocates in Parliament, Mr. Grattan and Mr. Plunket, at least, would willingly forget it too." There are no recognised Catholic leaders, the bishops are unpopular, and the country enjoys the new tranquillity of exhaustion.[18]

To this sudden lack of interest in the question another cause contributed powerfully—the long war with France was ended, and as the fears of the possibility of Irish discontent maturing in conspiracy with the enemy died away, anxiety on the Catholic Question died away too. "Its supporters," said a contemporary politician, "felt that in the altered conditions of the world the prosperity of the Empire was no longer involved so deeply as it was in 1813, in its being brought to an immediate termination."[19] Hence in Parliament a series of delays and defeats from year to year, while Sir John Hippisley, supported by Castlereagh, obtained his committee to enquire into the laws of foreign states regulating the intercourse between their Catholic subjects and the Holy See. State regulation of Catholic activities seemed the only likely fruit of whatever interest politicians still showed in Catholic affairs.

It was on the 7th March, 1821, that Plunket introduced his scheme for Catholic Relief. It was set forth in two Bills. The first granted the vote and the right to sit in Parliament to all Catholics taking the Oath provided—the old Oath of Supremacy, to which the Bill gave an official interpretation intended to explain away what in it had always been held inconsistent with Catholic teaching. The second Bill provided the further security of a censorship of communications with Rome, and a veto on episcopal nominations. History was indeed repeating itself. As before there were Catholics prepared to trust the Government and accept the Bill, and Catholics who, as bitterly as in previous years, prepared to destroy it. And once more the bishops were divided, and those who did not condemn the Bill outright were hesitant and uncertain in their action. In England Dr. Poynter did his best to secure amendments by negotiation, but was

overreached. In Ireland the bishops were no less divided than their brethren in England. Milner—his activities now restricted by the Holy See to his own Midland District—was as uncompromisingly hostile as ever, and organised and pamphleteered to such effect as once more to win himself a special denunciation in Parliament, this time from Plunket, as "the evil spirit which in 1813 came forward to blast the hopes of the Catholics," "inaccessible to reason—irreclaimable by experience."[20] The old strife between Milner and the gentry of the Catholic Committee began to blaze once more, and then, by publicly pledging their willingness to take the Oath while the bishops were still debating its lawfulness, the Committee seemed about to renew the crisis of 1789.[21]

Plunket, introducing the question, made the great speech of his life, "nearly the highest in point of ability," Peel twenty years later recalled, "of any ever heard in this house." In Parliament, and in the country at large, there was, as the partisans of the Ascendancy regretfully noted, a new apathy and indifference, and this also serving, the Bills with tiny majorities lumbered through their ritual stages in the House of Commons. Then, as suddenly as it had arisen, the scheme collapsed when on 17th April the Lords threw out "the rascally Bill"—O'Connell's phrase—by 159 votes to 120.

### (*iii*) *O'Connell*

The excitement that Plunket's Bill had roused died down as suddenly as it had arisen when the House of Lords rejected the Bill, and once more "the thick abstraction, the flat and utter lethargy replaced the former menace and tumult, the high crested defiance, the unchangeable resolve, the bold action of the body . . . All meetings ceased; the very voice of complaint was scarcely heard; an universal torpor prevailed; everyone seemed to have despaired of his country . . . for two entire years neither petition nor remonstrance, nor speech, nor assembly of any note was heard of."[1] This is the testimony of the man who was one of O'Connell's chief lieutenants in the new agitation, and the

phenomenon was equally evident to the Cabinet, one of whose members could speak of the Catholic Question as "gone back to an incredible degree," and of its supporters as "little in earnest." Croker's wit was indeed not far from literal truth when he described the movement as the occupation of six peers, a hundred and fifty commoners and a score of ecclesiastics.

The beginning of change came with a chance meeting of Shiel and O'Connell in the spring of 1823. They planned a revival of the Catholic Association, and to that end circulated an address to the more influential of the Catholic gentry. The rules they suggested "had little analogy in detail and none in spirit" with those of earlier associations. The new society was to be different. But for a long time the movement hovered dangerously near to dissolution. The original address met with general neglect, and often enough it was only with the greatest difficulty that the ten members necessary for a quorum could be gathered and the initial routine business carried through. Then gradually the gentry came in, more surprisingly still, the bishops, headed by the Primate, and, most surprisingly of all, the peasants. To have brought in these last was perhaps O'Connell's supreme achievement.

The older movements had been exclusively aristocratic or of the middle class. They had never had a national character, nor, apparently, had their leaders realised that the movement lost by lacking it. "I don't think it matters a feather what the poor think of it," said Emmett to Lord Clare in 1798. "The mass of the people do not care the value of a drop of ink for Catholic Emancipation." Nor would their interest in it thirty years later have been any greater had not O'Connell found a way to teach them. The peasants, it is true, had had their share in the parish and county meetings organised by the earlier agitations, but those meetings had been summoned only at long intervals. They rarely led to more than vaguely eloquent resolutions of protest, and never to any concrete result. Now the peasant's activity was offered a daily opportunity. The Association was an open club to which anyone was admissible on the proposition of a friend and the annual payment of twenty shillings. At O'Connell's

suggestion it was enlarged by the admission of Associates who paid annually only a shilling—a penny a month, collected monthly. In that monthly collection was the beginning of the Irish people's political education. "The Catholic peasant was taught by it to think daily on his grievances" while the small army of agents, who volunteered as collectors, formed a corps apart, "the disciplined, as the rent contributors were the irregular, troops of the Association," and very soon the office of the collector of "the Catholic Rent" became in every town and village the centre of an active educational propaganda.[2]

Provincial meetings of the organisation were held, great political conventions that spread their activities over days, and to which tens of thousands of peasants flocked to listen "to a series of impressive political lectures on their grievances and on their rights." Shiel devised yet another powerful means of bringing home to them the radical injustice of the system in the religious census which the Association began to take in 1826. The census was, it is true, never completed, but the effectiveness as political propaganda of the returns that were made, published and circulated throughout the Association as, week by week, they came in, and of the thousand-times-repeated tale of the anomalies, the scandalous absurdities of this Protestant establishment in a Catholic country, cannot be exaggerated.

The principal agents through whom the census was taken were the rank and file of the parochial clergy, and next to O'Connell's interesting the peasantry in the movement, his enrolment of the clergy as politicians was the greatest revolution he wrought. Throughout the eighteenth century and the first years of the nineteenth the decline of their influence is the common theme of writers as different as Wolfe Tone and Burke, and whenever the Catholic clergy had made an appearance in political life almost invariably it had been as the zealous supporters of the Ascendancy. It was O'Connell who, through the Catholic Association, first succeeded in enlisting them on the national side and giving them their permanent place in politics. The younger generation of the clergy rallied to him immediately in the face, inevitably, of criticism from what remained of the old cautious

spirit of the penal days, and from the fear of popular movements the memories of 1789 still kept active. But as the bishops joined in the good work, the aged Archbishop of Armagh, Kelly of Waterford, and—the most powerful mind among them—the youthful Bishop of Kildare and Leighlin, the clerical opposition dissolved, and in every parish throughout the kingdom the parish priest was the Association's ally. "Maynooth began to be felt."[3] Henceforth the peasant found in the priest his public champion and defender against oppression, the best trusted of leaders in political life. O'Connell had not only created the peasant's interest in politics, he had supplied it with a guide, and to him, more than to any other man, is due that solidarity of priest and peasant in Ireland which, in the hundred years since, has been the mainstay of Ireland's existence as a nation.

The different activities of the Association were not executed after any *a priori* plan. "Most of the measures were the children of circumstances . . . the mind of the people was ripe, and the fruits naturally followed." Gradually the Association absorbed and directed every activity of life. Catholic Emancipation was, for the peasant, no longer "a cold question of distant and doubtful advantages; the readmission of the peerage or the gentry to the privileges of their order; the extension of legal honours and emoluments to the Catholic barrister: but it was the strong assurance which every peasant soon had of instant protection against local wrong, the redress of the law against the law, the assisting hand in distress from a body in which he found the interpreter of his own sufferings, and the conviction that, while others still sought their emancipation, his emancipation had already begun. Every complaint was listened to; every injury was enquired into; protection was promised and the promise made good with a precision and promptitude which they failed not to contrast with the slow and reluctant justice of his Majesty. The decision of the bench was almost second to the debate of the Association . . . the village magistrate detested but feared it; the village peasant appealed to it, and obeyed it. A fourth estate rose up in the kingdom, as powerful in many instances as the other three."[4]

And the members of the Association were very many of them already electors. When the first Relief Act was passed in 1778 there were not, Wyse reckons, more than eighty Catholic freeholders in all Ireland. When fifteen years later the Catholic was admitted to vote, landlords at once took advantage of his enfranchisement to add to their political strength and influence. Lord Cloncurry in his *Recollections* has described what happened. "A new trade sprang up in the country. Men speculated on the multiplication of forty-shilling freeholders as they ought to have done on the breeding of sheep. The minister opened the national purse wider and wider, and the Protestant squires strove for its contents, each backed by as large a following of servile voters as it was possible for his lands to maintain."[5] Such a lucky patrician was the Marquis of Downshire, who by 1808, "divided and subdivided and again divided until [his estate] has become a warren of freeholders" from which, were the Downshire supremacy challenged, thirty thousand freeholders could be polled.[6]

In 1793 when the Catholics were enfranchised there were in all Ireland no more than sixty thousand county electors. By 1829 there were two hundred and sixteen thousand, of whom more than a hundred and ninety thousand were forty-shilling freeholders, the vast majority of them Catholics. This newly interested, newly fired peasantry was potentially a political force of the first order. Opportunity presenting itself, this army, ragged, tatterdemalion, oppressed and degraded by a century of serfdom, might show fight. Such an opportunity the next election would afford, but before that event—the General Election of 1826—the Association's activities had come before Parliament, and a last endeavour of the parliamentarians had revived the Catholic Question once again.

The new movement had of course been to the Government a cause of the greatest anxiety. Peel, now Home Secretary, was more than ever the inspiration of the Government's Irish policy, and though the new Viceroy and Chief Secretary—Wellesley and Plunket—were "Catholic" on the main question, they were of course at one with Peel and their more reactionary colleagues

in their determination to put down this new extra-constitutional fourth estate. Once more before the problem of the Government of Ireland—problem now of governing the Catholic Irish—the conflicting factions in the Cabinet instinctively united in a policy of coercion.

"The greatly improved state of the country" might be the theme of the Viceroy's despatches; general tranquillity, even prosperity. One shadow darkened the Eden, "the noisy fury of the Catholic Association," and, the most disturbing feature of the change in progress, the decrease in crime, the disappearance of outrage wherever this Association spread that "produced no positive violence, threatened no immediate act of force."[7] Canning wrote to Peel that the Association was the most difficult problem which ever a Government had to deal with,[8] and Wellington warned him about the same time that "if we cannot get rid of the Catholic Association, we must look for Civil War in Ireland sooner or later." Finally, the first intimation of the spirit that was to govern his conduct in the matter of Emancipation, the King began to write in much the same strain.

Plunket—since 1821 Attorney-General for Ireland—was instructed to prosecute O'Connell. As in the Orange trials of 1823, he bungled his job. The reporters ingeniously managed to refuse to give evidence, and the Grand Jury threw out the bill. The Government turned for its remedy to legislation, and on 10th February, 1825, the Chief Secretary introduced its Bill for the Suppression of Unlawful Associations in Ireland. The Association petitioned to be heard at the Bar against it, but was refused, and the Bill went easily through all its stages, and, less than a month after its introduction, received the royal assent. Simultaneously with this Coercion Bill, Parliament was debating a Catholic Relief Bill, and ten weeks after the Coercion Bill became law, the House of Lords by a huge majority threw out the Relief Bill.

Like all its predecessors, this Relief Bill of 1825[9] was a private member's Bill, Sir Francis Burdett its sponsor, O'Connell and some of the Irish bishops consulted in its drafting. It gave to Catholics the right to vote at Parliamentary elections, to sit and vote in Parliament, and to hold most of the great offices of

state. Like all its predecessors, it asked of the Catholics it proposed to relieve certain securities for their loyalty. The special Oath of Allegiance re-appeared, pruned this time of what made it impossible for a Catholic to take, and despite O'Connell's endeavour, there appeared once more the Veto too, and the *exsequatur*, to be exercised, this time, through a committee of Catholic bishops. Two auxiliary Bills—the "wings" that were to carry the main project—provided additional guarantees by disfranchising, in Ireland, the forty-shilling freeholder, and by allotting the Catholic clergy a state salary. Unlike any of its predecessors, the Bill was negotiated and drafted without any consultation of the Catholics in England, laity or vicars apostolic, and, one last familiar feature of Catholic activity, Milner protested against this Bill too, and true to principle, repudiated in advance the relief it offered. It was almost his last public act, for that long solitary fight was nearing its close. Slowly through the next twelve months the vigorous mind and the massive frame broke, and on 19th April, 1826, he died at Wolverhampton, leaving as a heritage to all future generations of English Catholics the ideal of a Catholicity untramelled by State patronage.

For the Catholic Association the fight in Parliament was but an interlude, and while the debate and the negotiations dragged on at Westminster the education of the Irish electorate continued without interruption—Parliament's simultaneous refusal of relief and suppression of the Association only assisting that good work. O'Connell ingeniously evaded the Act while the royal signature was still wet on the parchment, and in the reconstructed Association—"for the purposes of public or private charity, and such other purposes as are not forbidden by the statute 6 George IV cap. 4"—his prestige was greater than ever. Less than twelve months was to see its first Parliamentary victory, and upon it crisis following crisis until the final triumph. O'Connell's "mighty miracle" was at last performed, the mass of the nation amalgamated, peasants, merchants, nobility and clergy; inspired by a single spirit, united in a passionate loyalty to him. Peel's sagacity had foreseen it years before. "The prelates," he wrote in 1816 while still Chief Secretary, "will

unite with those who demand concession without security, and the prelates and Roman Catholic lawyers will carry with them the whole mass of the population, and effectually prevent any kind of concession that is not perfectly unqualified and unembarrassed by securities."[10]

To the ruling faction of the aristocracy the favourable moment for a dissolution seemed come. Wellington explained to Croker how the anti-Catholic feeling newly kindled by the rejection of the Bill of 1825 might be exploited to destroy the "Catholic" majority in the House of Commons, and so end the recurring deadlock.[11] Canning, too, had information from every part of England that left him in no doubt as to the anti-Catholic feeling universally prevalent, and in some places only kept down until the Proclamation for a new Parliament should give the signal for its release.[12] Lord Liverpool's speech before the division that wrecked the hopes of 1825 had been a development of the popular enough theme that "Catholics are not entitled to equal rights in a Protestant country." The No-Popery revival received higher sanction still and an encouragement that raised adherence to it to the level of high civic virtue when the Duke of York—heir to the Crown—recalling his father's pious opposition to emancipation, pledged himself to a like opposition when in turn he should be king.

The year ran out in a panic of financial catastrophe. Banks were failing all over England and in the industrial districts starving mobs of unemployed workpeople once more rose to storm the factories. In the midst of all came at last the Dissolution—2nd June, 1826, and an election in which No-Popery was the Government's best ally. Lord Liverpool of course maintained his majority, maintained even, in his own party, his slight majority of "Protestants" over "Catholics," though Wellington did not estimate it at more than a poor fourteen.[13] Despite the prayers and energetic aspirations of the elders of the party, the staunchly orthodox Liverpool, Eldon and Peel, the unshakably anti-Catholic party in England was slowly losing ground. "One of the most fearful portents," one of the pious chiefs of this sect wrote to another, "was the union of Methodism and Jacobinism

with the clamour for Catholic Emancipation. The Church had formerly sectaries, Whigs, and republicans for allies against popery. It now stands upon the strength of its own adherents (many of whom are in a state of apathy) . . ."[14]

In Ireland meanwhile the worst had suddenly happened, and led by their priests, organised in the Catholic Association, the serfs had risen at last, peaceably, constitutionally, in fullest harmony with law; they had risen and at the first onset had been easily victorious. In Waterford, at Louth, in Monaghan and Westmeath the Catholic electors had defeated the Ascendancy. "The fiercest fighting will probably be for the county of Waterford in Ireland," Lord Colchester had written, reviewing the situation for a friend abroad, and from more than one part of the country there came in to the startled Government this same tale: " the power of the priests is tremendous, and their fury in the exercise of it is so great that I begin to fear a crisis of some kind or other is not far distant"—so Peel's brother-in-law, while others looking on at the event wondered only, as it happened, why it had not happened before.[15]

Once more there was no concerted *a priori* plan. In Waterford, for example, it was the injudicious refusal of a Beresford-inspired sheriff to convene a county meeting of protest when Dublin Orangemen symbolically threw a bottle at the Viceroy, that led the Catholic gentry of the county to plan opposition at the forthcoming election and to organise. For seventy years the Beresford interest had been supreme, the county, under their domination, "sunk into the happy quietude of a borough." A younger son of the Marquis of Bute accepted the Catholic invitation to disturb that dishonourable tranquillity. The Duke of Devonshire, who peacefully partitioned the county representation with his political opponents, like the great gentleman he was, held aloof from this political novelty. His tenants would vote, of course, for his candidate, but in the contest as between Lord George Beresford and Mr. Villiers Stuart they would remain neutral.

There was very little hope of Stuart's success even among his most ardent supporters. His nomination was to be at most a defiance to the Beresford insolence. Even O'Connell hoped for

little more, and more than one priest, fearing the reprisals of the all-powerful family, refused to urge his parishioners, or to lend his chapel for the propaganda. But three years of the Catholic Association had aroused in the peasantry an enthusiasm that was reckless of consequences, and in one barony after another they fairly drove their clergy into leadership. Under the able generalship of Sir Thomas Wyse, in whose history the whole exciting story should be read,[16] the length and breadth of the county was systematically evangelised, registration committees in each barony, the priest their agent in each parish, a central directing committee in Waterford itself, while a small army of speakers and lecturers explained the issue Sunday by Sunday to the peasantry after the parish Mass. Their speeches were a simple explanation of the Bribery Oath which each elector would take before he voted, a word on the heinousness of perjury, and then the uncommentated reading of the Beresford election address wherein the Ascendancy spirit spoke with all its customary insolent directness.

The nomination day came and—a feint to give him the opportunity of speaking to the electors from the hustings—O'Connell was nominated too. In a powerful appeal for Villiers Stuart he refused the honour, and then the voting began—the Beresford tenants, whom pity had spared the ordeal of a canvass, voting first at their own request, and voting against their owner. From the first day Stuart had the lead. The Devonshire tenants broke their neutrality and they too voted for Stuart, until, despairing, the Beresfords returned from the contest, badly beaten and beaten by their own. Not a half of Stuart's tenants had yet come to the poll. Later in that same summer the triumph was fittingly celebrated in a great provincial meeting of the Association. It was held in the very capital of the Beresford kingdom, and to preside over the rejoicings that accompanied their defeat, the Association called back to Ireland that Earl Fitzwilliam whom thirty-one years before the Beresford power had broken and driven forth.

At Louth the tale was much the same, in Monaghan, too, and in Westmeath. "It no longer appeared doubtful that with or-

dinary exertions the Catholics would be enabled to return three-fourths of the representatives of Ireland at the next ensuing general election,[17] and while the Catholics were thus elated, their masters rioted in all the keys of a savagely painful indignation. The Protestant Primate, fresh from launching that New Reformation movement whose endeavour to convert the Irish papist has, in the century since, to the inconvenience of heirs less pious, eased the fortunes of so many elderly and evangelical ladies, wrote home in great alarm. "Our pulpit demagogues here are going completely mad. No thing or person is now secure from the fury of the attackers at their several meetings. The country is in a state of general inflammation. The priests are now openly arrayed with the demagogues in uttering incendiary harangues, and I can myself see no issue to the proceedings but in a rebellion. The Association and the rent (in defiance and mockery of the law) going on as fearlessly as ever, and conciliation, as before, standing by and looking quietly on. . . ." Respecting the state of public affairs he had only to add that returning to Ireland after a ten weeks' absence, "the advance made in the progress of the general ferment quite astonished me."[18] And despite the ferment the agitation still kept within the bounds of law. The four thousand troops drafted in to Waterford to ensure order stood by, amazed spectators of this huge army of voters, dependants and well-wishers ten times their own number, who lived for that week under the strictest of self-imposed *régimes*. The wildest of the trades—the pork-butchers!—were sworn for the time to abstain from spirits, and patrolled the streets, white wands in their hands, keeping order as it can alone be kept where a crusade fervour inspires a whole people to obey. And the fervour so powerful at Waterford kept order wherever the Association ruled.

The peasant victories were followed by the inevitable evictions, and once more O'Connell met crisis with a new organisation and new funds—the Order of Liberators for the electors, and "The New Rent" to compensate these wounded of the war. And then, suddenly, on 17th February, 1827, paralysis struck down the Prime Minister. For the fifteen years of his premiership,

ever since the great crisis of 1812, faction had never ceased to trouble the Tory Cabinets, and in all that long time the force that ultimately contained the jealousy and animosity of the different parties was Liverpool's managing tact. Now he disappeared, and the old trouble flamed out afresh, as in 1809 and in 1812. Of the rivals of that now far-off time Castlereagh was no more, slain by his own hand in a mad fit five years before, and Sidmouth, so long a force against Emancipation, had retired. But of the old guard who twenty and even thirty years earlier had assisted the anti-Catholic obstinacy of George III, there were still some illustrious and distinguished survivors. Eldon, Lord Chancellor now for half a lifetime, was still a power, Westmorland too—Pitt's anti-Catholic Viceroy of 1792. Wellington's great prestige was theirs, and in Peel all the efficiency of a newer age and Protestantism's one orator. There were the Liberals who had come in with the Grenville clan in 1821—Plunket the most distinguished of them—and there were Liberals of an older standing in the party, Robinson, for example, and Huskisson. Leading this wing there was Canning—the most powerful mind in political life, one of its greatest orators, now as Foreign Secretary nearing the end of such a five years of achievement as has been given few men to accomplish, a skilled parliamentarian and yet, after all these years, and after all the long years of penance for it, still with the unhappy gift of making almost as many enemies as he made acquaintances.

No sooner was it certain that Liverpool would never recover than the fight began between the Tory chiefs—the fight to oust Canning or, should this prove impossible, so to arrange matters that Canning in the Cabinet should be a Canning well controlled. It ended, thanks to the King, this long ten weeks of intrigue, in Canning's nomination as Prime Minister on 10th April.

Within a few days more, the Protestant ultras, nine of them, resigned, Peel explaining in the course of the involved correspondence that draped the manœuvres that "the transfer of the influence of Prime Minister from Lord Liverpool to you is the transfer of that influence from the most powerful opponent to the most powerful advocate of the Roman Catholic claims."[19]

Canning, however, was already seriously unwell. At the Duke of York's funeral in January, long waiting in the chill chapel at Windsor, uncovered and clad in ceremonial gear, had sown the seeds of a lingering illness that still clung to him. For the rest of the Session, with a coalition of Tories of his own following and a handful of Whigs, he faced the incredibly bitter attacks of his late colleagues. Then, at the end of July, he collapsed, and on 8th August died, in the same room at Chiswick where twenty years earlier, in a like dawn of hopes new realised, Fox had died as tragically. Crisis then once more, and to Canning succeeded that would-be-great financier, Cobbett's "Prosperity Robinson," now created Lord Goderich. The administration held together during the recess, its chief daily more nervous, "transient and embarrassed phantom," as the Parliament approached, until summoning all he had of courage he sobbed out his resignation into the King's pocket-handkerchief. Crisis yet again—January, 1828—and solved this third time by Wellington's appointment as Premier. The Whigs disappeared from the ministry, and, with Peel leading the House of Commons, the Tory party came together in a brief and unhappy unanimity. By May, 1828, this peace, too, was at an end, and five of Canning's following, the "Catholic" members of the Cabinet, had resigned. Yet a fourth crisis in less than eighteen months. It was to be final, and, the vacancies filled, the "Protestant" ministry would proceed in the policy its commander-in-chief had chosen—to forget the Catholic Question and to do nothing.

One of the vacancies—Huskisson's office—was at the Board of Trade. The new minister, William Vesey Fitzgerald, a Liberal on the Catholic Question, was one of the members for Clare, and to an Ireland where, to quote one of his colleagues, "latterly things have been quiet,"[20] he crossed to offer himself for re-election. The last act in the long drama had begun, for during the eighteen months that the statesmen of the aristocracy had so filled with their interested rivalry, in their one-time Irish colony the political education of the Irish had gone forward as never before.

In what was intended as a demonstration of strength for the Government and as an encouragement to the peasant, O'Connell

arranged for a petition from each parish in Ireland, arranged that they should be signed on the same day and at the same time, and on Sunday, 21st January, 1828, it was done—1,500 meetings simultaneously throughout Ireland, a million and a half of men come together at the Association's word.

News of the revolution in progress spread abroad. It aroused interest throughout the continent, in Germany, in Italy, and in France, where societies in aid of the Catholic Association began to be formed, and where the cause of the Catholic Irish began to be likened to that of the Greeks, still hazardous though Navarino had been untowardly fought and won. Most of all the news had aroused the Irish in the United States, and these years saw the beginning of what was to be henceforth a leading feature of every Irish political movement, the co-operation of the emigrants and their children. Meetings, addresses, sister societies formed to co-operate with the organisation at home, and finally generous subscriptions in money—all that machinery of the modern international democratic agitation made its first appearance in history. And there came with it—an American influence this—to the Irish Catholics of 1827 as to the Irish Presbyterians of 1778 and 1791 the dangerous fever of democratic politics, the separatist idea once more, the belief that outside an independent republic freedom would never be realised.

It was in the towns especially that this new movement was discernible, among the tradesfolk, the younger lawyers, and even, it is recorded, among the clergy too. "Instead of confining themselves to mere relief from the penal laws they attacked the Church; they attacked the corruptions of the aristocracy; they attacked the sub-letting and other Bills; and, as often as an opportunity admitted, under the question of the repeal of the Union, they went so far as to attack the connection with England itself." [21] Every day, to O'Connell's dismay, this revolutionary movement gained strength, and the rumours spread of a prelate whose patriotism had led to the transferring of his apostolic zeal to America, organising among the other exiles there an army of thirty thousand for a new crusade under the leadership of officers in the American service.

Crisis, even division, might, to the knowledge of the initiated, threaten the Catholic body, but O'Connell was still supreme. In the encouraging atmosphere of the new fervour new expedients were daily found to interest and to occupy the millions of his followers—clubs, reading-rooms, and in every parish church-wardens to control the movement and to report its progress. It was then upon a nation roused already to the highest point of political excitement, where "not a single chapel but had its lecturer, not a single lecturer who had not thousands for his audience,"[22] that the opportunity of the Clare election fell in the June of 1828.

Mr. Vesey Fitzgerald was a liberal landlord and a friend to the Catholics. On the Catholic Question his views were known to be favourable. The seat had been a family preserve for a generation, and normally his re-election would have been a simple political formality. But when six months earlier the Wellington administration had taken office on an anti-Catholic basis, the Association had pledged itself to oppose any member of it whenever an election should give the opportunity. The Association then, to carry out its new policy, met on 21st June and chose as its candidate a Major McNamara, who had been O'Connell's second in the duel with D'Esterre, and who was, of course, a Protestant. He refused, however, to stand, and then, a second and greater novelty, it was decided that O'Connell himself should be nominated. No law stood in the way of a Catholic's nomination, no law forbade his election, and the fact of a duly elected representative refused recognition solely because of his religion would be the most powerful of all arguments against the tradition. So John Keogh years before had prophesied, and now, at the suggestion apparently of a Dublin Tory, O'Connell's wine merchant, Sir David Roose, the experiment was to be made.

O'Connell consented; the Viceroy, Lord Anglesey, sent a private god-speed through Roose, and within ten days £28,000 had been raised towards the expenses of the campaign.[23] The scenes that had two years earlier accompanied the triumph in Waterford were repeated, amid an enthusiasm and crusade-fervour if possible even more intense. Once more armies of

voters and their dependants headed by their priests marching in to Ennis from every parish in the county, once more the amazing orderliness, the utter absence of intemperance or riot, and once more, too, the spectacle of the thousands of soldiery drafted in to keep the peace standing by amazed spectators of a discipline that overcame their own.

The nominations were made on the 30th June, and six days later, on the Saturday evening, the poll closed, O'Connell easily victor. To his opponent's 982 votes he had 2,057. The embarrassed sheriff, unable to record Fitzgerald's election, and doubting the propriety of announcing O'Connell's, made a special return that "O'Connell had most votes, but that he had declared himself to be a Roman Catholic," and Fitzgerald, that same night, wrote to Peel and described the disaster. "I have polled . . . the gentry to a man. Of others I have polled a few tenants of . . . my own. All the great interests broke down and the desertion has been universal. Such a scene as we have had! Such a tremendous prospect as it opens to us." And Peel, in retrospect, twenty years later, makes echo, "A prospect tremendous indeed!"

"The accounts from Ireland that O'Connell means to stand for Clare make a great sensation," Croker had noted in his diary on 27th June. The accounts ten days later of his defeat of Fitzgerald sent political speculation staggering. Never had the issue been more clearly defined, "the warring pretensions in their most naked and unaided shape" proclaimed, than in this contest between the Catholic and the Cabinet Minister. The personalities of the protagonists gave to the election in Clare an importance immeasurably greater than that of the victories of 1826. The lesson of the Clare victory was clear, so very clear, "Wherever the Association chose to call . . . there were the people ready to follow. . . . Obedience to the Association was the paramount principle in the heart of every peasant in the country . . . the power of the Association was therefore absolute and universal . . . Crisis had come."[24]

Wellington, "puzzled what to do or think, tho' not used to despair," was impressed by the power of the Roman Catholic clergy, and inclined to think that the real anxiety was not

O'Connell himself so much as the national revival his election evidenced.[25]

Peel, too, in a conversation with Croker a few days later, admitted "he could not see his way," and would like to postpone decision until the next session of Parliament. He agreed with Croker that Fitzgerald's report as to the state of feeling in Ireland would "play a great part in swaying our judgment on this question." And slowly, very slowly, through July and August, it was borne in upon "The King's Protestant Minister" that the days of neutrality were indeed over, that decision must be given, against all his traditions and despite his principles, in favour of the Catholic claims, otherwise "the same sad state of things must continue—a divided Cabinet, a divided Parliament, the strength of political parties so nicely balanced as to preclude any decisive course,"[26] a disastrous situation for a Parliamentary manager. The Duke, determined to do his duty by his country, and still puzzled only as to where his duty lay, was guided by his younger colleague, who wrote to him on 11th August that "an attempt should be made by the Government to settle the Catholic question—the settlement should be if possible a complete one." Not, Peel hastened to assure his chief, that his views had changed, but "whatever my opinions on these points," he preferred the prospective danger of Catholic Relief to "the actual danger . . . the union and organisation of the Roman Catholics and the incessant agitation in Ireland." There was no third way, for coercion, even were it wise, was impossible.[27]

O'Connell, meanwhile, masterly inactive, made no attempt to claim his seat—and kept the Government wondering. In September a bye-election seemed likely in Galway, and O'Connell planning another victory, Wellington thought it more prudent to defer the peerage that would have caused the vacancy. Another Clare within eight weeks of the first might have fired the mine, would certainly have made the nicety of manœuvring, by which concession was to tone with ascendancy, difficult to impossibility. September passed and October, and still no sign from O'Connell, and Wellington still panicky and "very much perplexed what to do about Ireland."[28]

The Association was flourishing—more than ever; parades in uniform—but without arms; meetings—two thousand simultaneously on one particular day; speeches, pamphlets, controversy and political activity everywhere. But no violence, and crime decreasing. The anxious Lord Lieutenant begged for soldiers, and the whole of the army, save a few battalions, was placed at his service, till in October Wellington could reassure Peel that Lord Anglesey "has now at his disposal every soldier that can be found in the country that is disposable. . . . I will order over more horses and field pieces if they should be required."[29] Plans for prosecuting O'Connell and suppressing the new association were again discussed, and again reluctantly laid aside, and finally, in a letter to the Archbishop of Armagh, Wellington practically admitted his conversion to the necessity.

What had motived this extraordinary conversion? One excellent reason for it was the fear of democracy. "I confess," wrote Wellington, "what has moved me has been the Monaghan, the Louth, the Waterford and the Clare elections. I see clearly that we have to suffer here all the consequences of a practical democratic reform in Parliament, if we do not do something to remedy the evils."[30] Peel takes up the tale. Clare was the turning point, and Peel was convinced that "the same scenes would be enacted in nearly every county in Ireland if matters were to remain just as they have been for the last five or six years." A revolution of the elective system of Ireland was involved—the transfer of political power from one party to another, and this, "not through force or violence, not by any act of which the law could take cognisance," but by "the peaceable and legitimate exercise of a franchise according to the will and conscience of the holder."[31]

Here was danger indeed, for, to borrow once more Peel's own phrases, "the serf of Clare" had shown "the resolution and energy of a freeman, the instrument of defence and supremacy had been converted into a weapon fatal to the authority of the landlord." A new power had shown itself that needed only opportunity to grow mightily. Concession and disfranchisement then was the only solution—concession to satisfy the Catholics, to lay the

Catholic Question once and for all after thirty years of agitation, and disfranchisement of the forty-shilling freeholder—recommended already in 1826 as security that the Catholic member should at least be "gentlemen"[32]—to destroy the arm by which concession had been extorted.

It was, then, in a mood of the purest political expediency that the Cabinet, at the turn of the year, set itself to translate the new policy into law. The Catholics must be emancipated or the Irish mine would explode. They must be emancipated, too, by the Government in power, for emancipation from the Whigs who believed in emancipation might go too far, would certainly be granted "under circumstances most disadvantageous to the Protestant interest and the country."[33] Nascent democracy in Ireland—Catholic democracy led by priests—could be given no encouragement. "To dissolve Parliament and to permit the Roman Catholic Association to send 50 to 60 Radicals from Ireland ousting the gentry of the country would be a fatal measure."[34] Above all, Protestant privilege must be thoroughly safeguarded—such securities provided that the work crowned in 1688 would not be altogether undone.

This was the great question before the Cabinet in the coming month of almost daily sittings. They were anxious to make a brave show of securities, "to satisfy the King and the Protestants," and yet, more than one of them felt what Ellenborough—Lord Privy Seal—confided to his diary, that the wisest plan was to act now as liberally as possible. "In a few years we should then be able to connect the Roman Catholic Church with the State. That is our best security." Unfortunately for political strategists, it was too subtle a security to be easily accepted by the Protestants whose loyalty to the Reformation State was the strategists' sole political capital. Too subtle also for practical politics the idea of negotiating securities directly with the Pope—"with the Pope on our side we might laugh at the agitators."[35] The necessity for somehow controlling the Roman Catholic Church remained, and Protestants still objecting to such State recognition as a bargain with that Church implied, it must be controlled in the only way left open, by new penal regulations. Punishment might

be devised to follow the adoption of ecclesiastical titles contrary to law. The colleges of the Society of Jesus would be suppressed; this "will carry many votes."[36] Religious Orders were gradually to be done away with by the simple device of forbidding any more of their members to enter the country. Convents thus "will die for want of inhabitants."[37] Peel once more proposed a Government censorship of the correspondence between the Catholic bishops and Rome. A register of the priests who took the Oath prescribed in the new Act was to be prepared and made the means of disciplining the clergy. Only those clergy whose names were on the roll would be licensed to officiate, and any political offence would be punished by the offender's being struck off the register. Bishops would, upon their consecration, give two months' notice of their intention to exercise episcopal functions, and during the two months the King might be given power to interdict their exercise. This, it was hoped, would gradually lead to an understanding with the Pope, "who would only name those likely to be approved," and a salary should be paid them by the Government.

After much discussion, the register plan was abandoned as impracticable, "the Duke yielding very reluctantly."[38] It was then debated whether or no to suppress the charter of Maynooth, and for the future educate the Irish clergy under Government supervision.[39] In the end, on the advice of their Irish advisors, and by his own account, of the future Bishop Philpotts, it was resolved not to meddle with the ecclesiastical concerns of the Roman Catholic Church. Catholics were to be "left to themselves as Dissenters." "A new long Oath compounded of others" was prepared—Peel's influence deciding—and finally, to reduce the political influence of the Catholics,[40] the electoral qualification for county voters in Ireland was raised from forty shillings to ten pounds—a measure that reduced the number of voters immediately from 200,000 to 26,000.

The Cabinet "converted," its scheme in the main lines agreed, it only remained to turn it into law, and, necessary preliminary, convert or convince the intractables of their own party. In the first rank of these stood—not unnaturally—the bishops of the

State Church, and, with few exceptions, they remained till the last firm against all argument. The House of Lords, too, was notoriously hostile and time and again since 1821 had wrecked Emancipation Bills that had weathered debate in the Lower House. Here the one hope of the ministry was Wellington's unique prestige, and even allowing for that great power, Ellenborough doubted if they would have a majority of thirty. But "the real difficulty is the King," as Lyndhurst, and a host of others equally likely to know, noted at the time.

The long debauchery of his life had told heavily on George IV, and an obese and irritable hypochondriac of sixty-seven, shifty and intriguing as ever, he was at this time leading "a most extraordinary life—he never gets up until six in the afternoon. They come to him and open the window curtains at 6 or 7 o'clock in the morning, he breakfasts in bed, does whatever business he can be brought to transact in bed too, reads every newspaper quite through, dozes three or four hours, gets up in time for dinner and goes to bed between ten and eleven. He sleeps very ill and rings his bell forty times a night—in good health but irritable."[41] We allow for Grenville's dislike, but the picture is substantially true. Since the death of the Duke of York—his favourite brother—the King had been very much under the influence of the fifth of the royal dukes, the sinister Duke of Cumberland, Grand Master of the Orange Society. Recent events in Ireland had hardened George and there seemed very little chance of his disposition changing. He spoke, in the way traditional in his family, of retiring to Hanover; the Duke of Clarence was welcome to be King in England, and when Wellington went down to Windsor to present his Cabinet's advice and to ask that the royal ban on their dealing with the matter should be lifted, the ministers in London waited and wondered.

George was reluctant, very reluctant indeed, and swore volubly as the details of the scheme were presented, but finally gave his consent. "If he should be able he will take an opportunity of turning us out," commented Ellenborough, and the next few weeks were to see the royal brain sinuously active to that end. Inspired by Eldon and the Duke of Cumberland he hoped to

manœuvre the Bills for the suppression of the Association and the disfranchisement of the peasantry through Parliament, and, this accomplished, would dismiss the ministry on the Relief Bill. The ministers protested against the double dealing and once more Wellington had a critical interview at Windsor—this time of five and a quarter hours. It was "very painful indeed." The King spoke of abdicating. He would retire to Hanover. But the Duke was "obliged to be peremptory," and George gave in on all points, even to the extent of desiring the Duke of Cumberland to leave England, and as the Prime Minister retired his devoted sovereign kissed him![42]

Six days later, on the very eve of the Bill's first reading, the King went back on his word, and Wellington, with Peel and Lyndhurst, once more went down to Windsor. This time was worse than all. "The King talked for six hours. The Duke never witnessed a more painful scene. He was so evidently insane. He had taken some brandy and water before he joined them, and sent for some more, which he continued to drink during the conference. During six hours they did not speak fifteen minutes. The King objected to every part of the Bill. He would not hear of it," and Ellenborough went to the next day's Cabinet "thinking [Wellington] had to announce the King's insanity."[43] But once more George had shifted, and after accepting his Ministers' resignations had written to recall them, giving them leave to proceed. For the rest of the month he sulked, "still in hopes the Bill will not pass," and, at the eleventh hour, proposing to limit emancipation to Ireland![44] To placate his dislike, "the opposition of a spoiled child, founded on considerations purely personal and selfish," the clauses forbidding the Catholic bishops to use territorial titles were retained, and the Bill was so framed that O'Connell had to seek re-election. O'Connell, indeed, he never forgave, and a fixed stare and a muttered: "There is O'Connell; God damn the fellow," at the levée when the Act was through, were excellent testimony to the strength of the opposition O'Connell had overcome.

The secret of the ministry's "conversion" had been well kept, and Peel could prophesy truly that "the King's speech will be a

thunderclap." It was delivered on 5th February, 1829, to a House of "perhaps 30 peers." The state of Ireland called for Parliament's serious attention. The Catholic Association must be suppressed. This done, the King invited a serious consideration of the disabilities under which his Roman Catholic subjects lay, with a careful reminder of the need for securities, and for the safeguarding of the Establishment. The debate on the Address was dull enough, the Whigs sulking and the Government's die-hard followers still dumb with shock, "Peel only cheered by the Opposition, as Canning used to be in 1827."

The Bill to suppress the Association was first produced. It gave the Lord Lieutenant plenary powers to proclaim and suppress any and every association that should appear to him seditious. No association so proclaimed could collect or hold monies. This Bill, "necessary for the satisfaction of the Protestant mind," passed rapidly through all its stages, and received the royal assent on 5th March. In the House of Lords it occasioned a scene of mutual revilings between the royal dukes that astonished even those habituated through forty years to the publication of their domestic infelicities—a scene "discreditable to all three . . . they all seemed insane."[45]

Petitions, meanwhile, poured into Parliament from all sides on the more important topic—more than six thousand petitions in all, of which fully three-fourths were against the proposed relief.

It was on 6th March that Peel rose as leader of the House of Commons to explain the Government's proposals. He did not claim for them any support on the high ground of abstract justice. The Government had to choose between two evils, and of the two Catholic Emancipation seemed the lesser. He spoke for four and a quarter hours, one of the great speeches of his life, charming the House into unusual good humour and carrying his motion with a majority of 188.

Four days later the Bill was read a first time and ordered to be printed. It gave Catholics the right to sit and vote in Parliament, and with a few exceptions, threw open to them all the great offices of State. The Oath proposed had none of the features

that had divided Catholic opinion so violently in earlier years, and the Government had abandoned its schemes for a Veto and exsequatur. The King's spite was gratified by a clause forbidding Catholics to adopt ecclesiastical titles taken from the sees occupied by bishops of the State Church,[46] while another clause forbade Catholic religious celebrations outside their churches and private houses. A third clause gave expression to the ancient distrust of monks and friars, and "all members of religious orders, communities or societies of the Church of Rome bound by monastic or religious vows" were bound to report themselves to the Clerk of the Peace within an appointed time. Their names were to be enrolled in a great central register, and for the future any religious entering the country would be guilty of a misdemeanour and liable to banishment.

The Bill had other shortcomings, for it left Catholic marriages still illegal, Catholic soldiers and sailors were still obliged to attend the Protestant Service, and Catholic charities, considered as properties for "superstitious uses," still went without legal protection.

Nevertheless the Catholics—with a very few exceptions—welcomed the Bill wholeheartedly. O'Connell and the priests, reports Ellenborough, were satisfied. The Whigs, sulky for a time at seeing their principles so unscrupulously stolen, were satisfied too, and if the King remained unpleasantly hostile, the anxious ministers could note with joy that "accounts [from Ireland] were good. The Catholics have shown no indecent or intemperate exultation. The Protestants have overcome the first shock, and are in good humour." In England, too, "all the intelligent part of the people seem to be in favour of the Bill. People begin to accustom themselves to the general contemplation of it, and to rejoice in the prospect of general union."[47]

The Bill was a Government measure, and with the official opposition wholeheartedly in support, it went rapidly through all its stages. On its second reading in the Commons it had a majority of 180 and on its third, of 178 (320—142). This was on 30th March, and the next day it was read a first time in the House of Lords. Wellington, speaking on the second reading,

made no secret that it was the condition of Ireland that alone had moved him. The Archbishop of Canterbury led the opposition, but, as in the Commons, the Bill passed easily by majorities of 105 and 109 on its second and third readings. Finally, on 13th April, 1829, it received the royal assent, given "very reluctantly," and Peel describing the circumstances told Croker, "the Bill has now passed its *last* and *most difficult* stage."

On the same day the Bill to disfranchise the forty-shilling freeholders also passed its final stage. It had been practically unopposed. "The Whigs . . . through a friendly channel declared that they could not agree to a disfranchisement of the forty-shilling freeholders, but were told that it was indispensable to the peace of Ireland, and would be insisted on."[48] O'Connell did his utmost to rally the friends of liberty against the Bill, but in vain. "The opposition to a man will vote for it," he wrote prophetically, "the Radicals have no following."[49] Never before had there been so striking an evidence of what extension the principles of 1688 were capable. Never before had the voice of the people been quite so distinct in the manœuvrings of a Parliamentary election, but that voice sounded with an accent too plebeian for patrician ears. The forty-shilling freeholders were not "gentlemen," they might be Radicals, they were Catholics and peasants, and against the Ascendancy's attempt to cancel the effects of emancipation, and to redress the balance in its own interest, O'Connell and his allies were powerless. One of the twin foundations of the Revolution Settlement had gone, and in the true spirit of 1688 the aristocracy turned instinctively to strengthen the other. Catholicism could no longer be a bar to citizenship, but in a new restriction of the franchise they would limit the number of Catholic citizens, and destroy the popular element in the Constitution that had so suddenly, so surprisingly shown its power. To halt the democracy that seemed to menace the political foundation of its power, all factions of the Ascendancy, now the religious security was gone, came together and in neither house of Parliament could more than seventeen votes be mustered against them.

. . . . . .

The *Roman Catholic Relief Act* of 1829, despite the endeavours of those who framed it, was the pledge in law of the Catholic revival's permanency. The older Protestantism, to which the identity of the Church of England and the English State was not only a reality but the sole guarantee of national survival, was perhaps already fading away. Lloyd, Bishop of Oxford, Peel's tutor, could write to his one-time pupil as the final struggle proclaimed itself that, "every year was thinning the intellectual influence of the Protestant ranks."[50] To this school of thought —and until 1829 it predominated in the centres that controlled the life of the English Church—Catholic Emancipation was indeed a serious defeat, by its admission of Catholics as legislators for the State Church. For the first time since 1559, when the State formally established that institution, it was no longer required as a condition of exercising political power that a man accept the royal supremacy in matters ecclesiastical. Eighteen hundred and twenty-nine was the first breach in the system whose foundations were so carefully laid in 1559, and which the legal dispositions of the successful aristocratic revolution made finally safe in 1689. In this sense O'Connell's victory—for the victory, almost more than any other change of equal importance in history, was the personal victory of one man—was indeed the beginning of the end of the reign of privilege.

Without O'Connell some further relief to the Catholics would in time have been conceded, some new favour, some timely political enlargement, "but it would have been conceded as a boon granted by a superior to an inferior class, and it would have been accompanied and qualified by the veto. It was the glory of O'Connell that his Church entered the Constitution triumphant and unshackled—an object of fear and not of contempt, a power that could visibly affect the policy of the empire."[51]

"His Church entered the Constitution"—Lecky's phrase pierces to the heart of O'Connell's achievement, names the essence of the thing accomplished. Round this one point for four and thirty years the contest had raged, it was the rock on which all political combinations had in turn been wrecked.

Could the Catholic Church be admitted into the Reformation State without inevitably endangering that State's safety? The highest legal authority of the day summed up for the essential incompatibility of the two things. "In 1688," said Sir William Scott, speaking against Plunket's Bill of 1821, "it was considered that a divided religion, a distribution of authority with a foreign power was inconsistent with the safety of the State," and the proposal to lift from Catholics the disabilities that for so long had made them foreigners in their own country, was "nothing less than a removal of that constitution from the basis on which it had stood from the Reformation to the present day . . . conceding the vantage ground which they had preserved through two centuries."[52] Lord Eldon argued in much the same fashion with frequent reference to Locke, to Somers and to Lord Hardwicke. The great equity lawyer, Lord Redesdale, and the law-reformer who later won such distinction as Speaker, Charles Abbott, were of the same opinion.

The quasi-unanimity of the supporters of the Catholic claims in calling for securities, is evidence once more how far the exclusion policy, whose crowning glory 1688 achieved, had become part of English political tradition, the unconsciously assured premise that limited all political discussion. "This is a Protestant country," Sir William Scott had said, speaking against the Catholic petition in 1805, "and designedly so since 1688." The object of 1688 was to Protestantise England, whence "to admit these privileges to be extended to persons of the Romish faith would be to infringe the fundamental maxim of our glorious constitution." This was the true reason for excluding the Stuarts. "True it is that one of the princes of the House of Stuart had been driven from the throne for misconduct; but upon what principle were his successors excluded? It was because they were attached to the popish religion: the Protestant faith has become a necessary part of our constitution."[53] For the pro-Catholic statesmen the maxim was equally fundamental that the English State is a Protestant thing. Time and again they assert their loyalty to this idea, and explain in answer to such critics and objectors as Sir William Scott that the modern Catholics are harmless, that

Catholicism is fast disappearing, and that without danger to the necessary Protestantism of the English State Catholics may be allowed to enter it. Securities, however, will be asked of them. Thanks very largely to Milner's obstinacy, the pro-Catholic politicians failed in this endeavour to provide for the Catholics in the Reformation State by a kind of political ghetto. Thanks to O'Connell the Catholics entered that State as citizens through a real victory over privilege.

O'Connell forced the Ascendancy, and—to the anger of its long-time faithful supporters—the Ascendancy, with all it could of reluctance, yielded. "This is no time to yield to menacing rebels," wrote Peel's one-time under-secretary when news of the project reached him; "they should first of all be subdued."[54] He need not have feared. Peel's preparatory memoranda had already noted where danger lay and indicated a remedy. "The great security against the possession of undue power and influence by the Roman Catholics . . . must be in the discretion of the Crown and its advisers." Not only was the great weapon spiked by the disfranchising of more than a hundred thousand Catholic voters, and O'Connell singled out for exemplary treatment, but for years after Emancipation there was not a single Catholic judge or stipendiary in Ireland. All the high sheriffs, with one exception, the overwhelming majority of unpaid magistrates and of the grand jurors, the five inspectors-general and the thirty-two sub-inspectors of police were all of them Protestants.

1688 had established the landed aristocracy in a supremacy trebly strong, religious, economic and political. Of those three securities the religious was the first to go, and it was no doubt with this in mind that Lord Ellenborough wrote of the measure he helped to draft, "the King's speech read to-day is more important than any since the Revolution. All feel it to be so."[55] Slowly, very slowly as yet, the economic supremacy of the landed wealth was beginning to dissolve, and within a few months of the forced surrender of its religious supremacy there arose that whirlwind in which it lost the foundations of its political supremacy too.

The significance of the great Reform Act of 1832 was apparent in its effects to the generation that saw the struggle. But in the matter of Catholic Emancipation, mighty as was the change then wrought, its real proportions were hidden for three generations more, thanks to the disfranchising Act, to say nothing of "the discretion of the Crown and its advisers." The Revolution that three years later, with much other lumber of the disappearing age, swept away the Toryism of Eldon and George III, swept away, too, all possibility of the enforcement of the securities so carefully planned by the emancipating government. They were a dead letter from the first but the political manœuvrings of that government survived, to delay the effects of Catholic emancipation in Ireland—where alone they might have been of moment—until this our own day. There, at any rate, the wheel has now come round full circle, and the ghost of 1688 is well and truly laid. "Remember that you have settled us in Ireland," one of the foremost stalwarts of the *régime* protested in the House of Commons,[56] "under the faith of your protection: that on that faith we claim as our inheritance all the blessings of that glorious constitution which our ancestors and yours have fought and bled for—the Hanoverian succession, the illustrious House of Brunswick on the throne, a Protestant king, with Protestant councillors, Protestant lords and Protestant commons. This is what I call Protestant Ascendancy in the true sense of the phrase, and while I can utter my voice in this house I will ever demand it for my country." The Treaty of 1921 is the latest echo to those long dead generations, but the germ of that success is the Act of 1829.

# NOTES

## BOOK I—THE RULE OF THE ASCENDANCY

### Chapter I—The Ascendancy Victory

[1] The account of the Revolution is based on Lodge 263-313, Lingard x, ch. 4, Powley 1-98, and Turberville 1, 199-148. [2] Turb. i, 128. [3] ib., 126 for their names. [4] ib., 132 for their names. [5] cf. G.E.C. 2, Vol. ii, App. H for Dugdale's list.

The genealogical details are based on G.E.C. 1st and 2nd editions.

### Chapter II—"The Liberties of England and the Protestant Religion"

#### (i) *The Legislature*

[1] Turb. 1, 2 seq. [2] Turb. 2. [3] Turb. 2, 420. [4] Porritt i, 328. [5] Turb. i, 232. [6] Porritt i, 310, 311. [7] Rose *Pitt i*, 10. [8] Sunderland Correspondence in Porritt i, 309. [9] 2 Geo. II c, 24. [10] e.g., Lewis *Topographical Dictionary of England.* [11] To his Mother, Nov. 1780, Stanhope *Pitt i*, 47. [12] 1795 Parl. Hist. xxiii, 728-29. [13] Porritt i, 358. [14] ib., 356. [15] Turb. ii, 465. [16] 16.11.1775, cited Porritt i, 313. [17] Weyman *Chippinge.* [18] Porritt i, 340, citing Donne *Letters of George III to Lord North.* [19] Porritt i, 346-347. [20] 9 Anne, c. 5. [21] *Hardwicke Papers*, cited Turb. ii, 482. [22] Colchester i, 63, 30.7.1796. [23] Porritt ii, 142. [24] Adam *Political State of Scotland*, 1788, p. 17-350, cited Porritt ii, 170-72. [25] Dupplin-Harley, Aug. 1710, Turb. ii, 461. [26] Porritt ii, 136. [27] Cockburn *Memorials*, 87, 88. [28] Lecky *England* iii, 578, 579. [29] *London Magazine*, quoted Turb. 2, 455.

#### (ii) *The Rewards of Power*

[1] Porritt i, 329. [2] Dropmore iii, 285. [3] Buckingham-Grenville, 2.8.1789 ; Dropmore i, 487. [4] Grenville-Buckingham 12.12.1786; Bucks.i , 315. [5] Bulkeley-Buckingham 11.12.1788; Bucks. ii, 52. [6] Mornington-Buckingham; Bucks i, 315. [7] The letters of Lord Buckingham on which this account is based are in Dropmore i, 274-336, 26.1.1788-26.5.1788. [8] G.E.C. 2, ii, 406. [9] July, 1766, Dropmore i, 157.

#### (iii) *The Church of England*

[1] *Essays and Reviews*, 315. [2] A and O ii, 4. [3] A and O ii, 19. [4] Plummer iv. [5] Cited A and O ii, 22. [6] Clavering, appointed to Llandaff 1724; Sykes, 216. [7] A and O ii, 11. [8] A and O ii, 28. [9] A and O ii, 12. [10] ib. [11] Sykes, 213. [12] A and O ii, 14. [13] A and O, 16. [14] Stackhouse *Miseries and Great Hardships of the Inferior Clergy in and about London.* c. 1722, cited A and O i, 17. [15] A and O ii, 427. [16] Sykes, 218. [17] Secker, 1741; A and O ii, 15. [18] Wickham Legg, 37. [19] A and O ii, 477-479. [20] ib., 445, 6, 7. [21] ib., 458. [22] Cited ib., 417. [23] Memoirs i, 73; cited ib., 458. [24] A and O ii, 47.

(iv) *The Crown*

[1] Bill of Rights in Robertson S., 75-82. [2] Turberville i, 181. [3] Porritt i, 406. [4] ib., 407. [5] Rose, *Pitt i*, 79. [6] Porritt i, 409. [7] ib., 414, 416, 418. [8] Romilly *Memoirs* ii, 206. [9] Geo. III—Robinson in Porritt i, 415.

### Chapter III—The Ascendancy and the Nation

(i) *The Ascendancy*

[1] Windham-Mrs. Crewe, 6.1.1805; Windham P. ii, 251. [2] Burnet ii, 648. [3] Rose *Pitt* i, 6. [4] ib., 23. [5] Buckingham-Grenville, 18.2.1788; Drop i, 305. [6] Wellesley-Pitt, 4.8.1793, in Rose *Pitt* 2, 461. [7] Bulkeley-Buckingham in Bucks. i, 361. [8] Horace Walpole, 9.7.1779, in Round i, 52. [9] Lord King's Diary in King ii, 111.

(ii) *The Catholics*

The following are the principal statutes of the English penal code, taken from Hawkins, ed. 1735 :
1 Eliz. 1 and 2; 5 Eliz. 1; 13 Eliz. 1, 2 and 3; 23 Eliz. 1; 27 Eliz. 1, ii; 29 Eliz. 6; 35 Eliz. 2; 1 Jac. I 4; 3 Jac. I 4 and 5; 7 Jac. I 2 and 6; 3 Car. I 3; 13 Car. II, 2 i; 25 Car. II 2; 30 Car. II St. 2; 1 Gul and M. Sess I 1, 15 and 18; 3 Gul. and M. 2; 7 and 8 Gul III 24 and 27; 11 and 12 Gul. III 4; 12 Anne St. 2, c. 14; 1 Geo. I 2, c. 13.; 1 Geo. I St. 2, c. 50 and 55; 9 Geo. I 18 and 24.

[1] Burke *Letter to Langrishe* in Lecky i, 15 note. [2] Lecky i, 22. [3] Lecky i, 136-169. [4] Lord Lieutenants and Lord Justices Letters quoted Lecky i, 163 note.

(iii) *The Changing Nation*

Students of Social History will recognise immediately how much this section of Chapter III owes to the studies of Mr. and Mrs. Hammond, particularly to *The Town Labourer*, to which, in one way or another, I am indebted for all the facts—though, of course, the use (or misuse) of them is my responsibility.

[1] In the House of Commons, 16.5.1794, T.L., 50. [2] ib., 23.6.1817, T. L., 243. [3] Dropmore i, 586. [4] T.L., 53. [5] T.L., 170. [6] T.L., 328-329.

## BOOK II—ELEMENTS OF THE PROBLEM

### Chapter I—The Ideal of Religious Freedom

(i)

[1] Laski, 15. [2] ib., 19.

(ii)

[1] 2.3.1790, Burke *Speeches* iii, 475. [2] 11.5.1792, ib., iv, 51. [3] 11.5.1792, ib. iv, 55. [4] 1765, Burke *Works* ix, 345. [5] ib. ix, 346. [6] ib. ix, 347. [7] 1.3.1791, Burke *Speeches* iii, 541. [8] Newman B., 138. [9] 1782 *Letter to a Peer of Ireland*, Burke *Works* vi, 269-291. [10] 3.1.1792, *First Letters to Langrishe*, Burke *Works* vi, 334. [11] 1.3.1791, Burke *Speeches* iii, 541. [12] 7.3.1790, ib. iii, 473, 483. [13] 7.3.1773, ib. i, 150, 154. [14] 1.3.1791, ib. iii, 541. [15] 9.2.1775, Burke-Burgh, Burke *Corr.* ii, 16. [16] 2.3.1790, Burke *Speeches* iii, 476. [17] 3.1.1792, *Letter to Langrishe*, Burke *Works* vi, 344. [18] Written c. 1765; not published until 1826. Burke *Works* ix, 323-397. [19] Cited Newman B., 268. [20] Burke, *Corr.* ii, 292. [21] 24.4.1779, ib. ii, 268-274. [22] 1771, b. i, 337. [23] c. 1762, ib. i, 41-45.

(iii)

[1] Kent, 90. [2] Hall, 115-117. [3] ib., 99. [4] Kent, 167. [5] Brooke, 122. [6] Edinburgh Review xi, 116-145, October 1807. [7] ib. xvii, 1-39, November, 1810. [8] Smith i, 128. [9] ib. ii, 231. [10] ib. ii, 161. [11] ib. ii, 173. [12] ib. ii, 233. [13] ib. ii, 121. [14] ib. ii, 122. [15] ib. ii, 184. [16] ib. ii, 120. [17] ib. ii, 129.

(iv)

This section is based on Fox's speeches in the House of Commons (ed. of 1815; 6 vols.), i.e. : 6.2.1772, i, 15. 23.2.1773, i, 17. 6.12.1779, i, 213. 20.6.1780, i, 276. 28.3.1787, iii, 310. 8.5.1789, iv, 1. 2.3.1790, iv, 55. 21.2.1791, iv, 144. 1.3.1791, iv, 417. 1.4.1791, iv, 152. 8.4.1791, ib. 10.5.1791, iv. 237. 11.5.1792, iv, 418.

## Chapter II—The Problem of the Government of Ireland

(i)

[1] Grenville-Buckingham, 30.10.1794, Bucks. ii, 230. [2] Dropmore iii, 543. [3] Westmorland-Grenville, 19.4.1791, Cited Porritt ii, 363. [4] O'Brien *18th Century*, 334. [5] Lecky i, 173-178; O'Brien *18th Century*, 5. [6] O'Brien ib., 177. [7] Bryce, 63. [8] O'Brien ib., 61-62. [9] ib., 386-387. [10] Lecky ii, 112.

(ii)

[1] Dropmore iii, 545. [2] 6.2.1780 in Lecky ii, 245. [3] 3.3.1782, ib. ii, 289. [4] 24.4.1782, ib. ii, 304. [5] 6.5.1782, ib. ii, 305. [6] Lecky ii, 408.

(iii)

[1] Lecky ii, 401. [2] *First Letter to Langrishe*, Burke *Works* vi, 355. [3] Dropmore iii, 549-550, cf. also O'Brien *18th Century*, 76 seq. [4] Lecky i, 186. [5] Brooke, 143. [6] Quoted O'Brien, *Burke*, 62. [7] Burke-Richard Burke, 16.12.1791, Burke *Corr.* iii, 363. [8] Lecky ii, 186 seq.

(iv)

[1] Dropmore iii, 544. [2] ib. iii, 548. [3] *First Letter to Langrishe*, Burke *Works* vi, 343.

## Chapter III—The English Catholics

[1] Burton i, 77, 142. [1a] Vatican Library, Barberini Cod. Lat. 5222, ff 12, 19. [2] Speech at Bristol, 1780, Burke *Works*, iii, 303. [3] C.R.S. iv, 368-373. [4] Cited Ward *Dawn* i, 9. [5] ib. i, 11. [6] C.R.S. xxv, 117. [7] Cited Ward *Dawn* i, 9, 12. [8] C.R.S. iii, 104-109. [9] ib. iv., 179 seq. [10] Burton i, 79. [11] ib. i, 139. [12] Ward *Dawn* i, 24. [13] ib. i, 248. [14] Cited Burton i, 67. [15] Parl. Hist. xxviii, 114, 18.5.1789. [16] Ward *Dawn* i, 2. [17] Fortescue i, 88. [18] *Bedingfield Papers*, C.R.S. vii, 165. [19] Burton i, 371. [20] H.O. Geo. III, No. 343, 31.10.1761. [21] Trelawney to Archbishop of Canterbury in Burton i, 185. [22] C.R.S. xiii, 299. [23] ib. ii, 324, 325. [24] *Everingham Papers* in C.R.S. iv., 271. [25] H.O. Geo. III ii, No. 503. [26] Burton ii, 85-96. [27] ib. ii, 87-89. [28] Propaganda to Spinelli, 18.3.1724 in Spinelli, 1-28. [29] Burton i, 240 seq. [30] Fortescue i, 26. [31] ib. i, 209; Prince George Augustus of Mecklenburgh-Strelitz to George III, 8.1.1766. [32] Sermons on Various Occasions, 171.

## BOOK III—THE ASCENDANCY AND EMANCIPATION

### Chapter I—Catholic Relief, 1759-1793

#### (i) *The Beginnings of Change*

[1] 11 and 12 Geo. III, c. 21 in *Irish Statutes* x, 262-3. [2] 13 and 14 Geo. III, c. 49, 35. [3] 17 and 18 Geo. III, c. 49. [4] Pery-Burke, 10.7.1778, Burke *Corr.* ii, 228. [5] Gardiner-Burke, 11.8.1778, ib., 235. [6] Burke-Curry (draft), 14.8.1779, ib., 293. [7] Curry-Burke, 18.8.1778, ib., 237 (b). [8] Pery-Burke, 26.8.1778, ib. 239. [9] This account of the Act of 1778 is based on Burton ii, 181-215. Burton prints the Act in Appendix F. ii, 292. [10] Speech at Bristol, 1780, Burke *Works* iii, 389. [11] Fortescue iii, p. vii. [12] De Castro, 120. [13] ib., 120. [14] Cited De Castro, 112.

#### (ii) *The English Act of 1791*

Bishop Ward's *The Dawn of the Catholic Revival* (i, 87-361) based on MSS. in the archives of the several English Bishops is the source whence this section is chiefly taken.

[1] Committee's *Address*, 10.4.1787, in Ward *Dawn* ii, 260. [2] Louvain Reply ib. ii, 271, in App. D, which gives an abstract of all the replies. [3] 18.5.1789, Parl. Hist. xxviii, 114. [4] Fox *Speeches*, iv, 3. [5] Committee—Vicars-Apostolic, 24.5.1783, in Ward *Dawn* i, 96-8; Committee's *Address*, ib., ii, 262. [6] Milner in Ward *Dawn* i, 94. [7] Text of the Protestation, ib i, 139-42. [8] Walmesley-Butler, 15.12.1788, ib. i, 137. [9] Gibson-Walmesley, 21.12.1788, ib. [10] Text of the Oath, ib. i, 164-6. [11] Text, ib. i, 242-3. [12] Talbot-Gibson, 17.1.1791, and "Staffordshire Clergy"—Berington, 15.2.1791, ib. i, 244-6. [13] Ward *Dawn* i, 224-5. [14] ib. i, 246-8. [15] ib. i, 254-7. [16] ib. i, 278. [17] ib. i, 319.

#### (iii) *Catholic Relief in Grattan's Parliament, 1782-1793*

[1] Pery-Burke, 26.8.1788, Burke *Corr.* ii, 239. [2] Porritt ii, 238. [3] Westmorland-Grenville, 7.3.1791; Dropmore ii, 39. [4] ib., 14.3.1791, ib., 40. [5] Grenville-Westmorland, 24.3.1791, ib., 41. [6] Wyse i, 61-104. [7] Buckingham-Grenville, 13 and 15.12.1791, Dropmore ii, 239. [8] Bucks. ii, 186. [9] Dundas-Grenville, 17.10.1791, Dropmore ii, 213. [10] Lecky iii, 38-41. [11] ib., 44. [12] Hobart-Dundas, 17.1.1792, in Lecky iii, 51. [13] Westmorland-Pitt, 18.1.1792, ib. iii, 48. [14] Hobart-Westmorland, 25.1.1792 ib. iii, 54. [15] 32 Geo. III. [16] Burke-Richard Burke, 19.2.1792, Burke *Corr.* iii, 413-18. [17] Westmorland-Pitt, 18-1-1792, Lecky iii, 48. [18] Lecky iii, 67. [19] ib., 64. [20] Dropmore ii, 318-19. [21] ib., 321-22. [22] Lecky iii, 129. [23] 17.12.1792, in Lecky iii, 127. [24] 33 Geo. III, c. 21. [25] Lecky iii, 168-176. [26] Grenville-Dundas, 24.10.1791, Dropmore ii, 215.

### Chapter II—The Catholic Question Emerges

#### (i) *An Age of Repression*

[1] Smith i, p. vii. [2] Cited Trevelyan *Grey*, 90. [3] Rose *Pitt* 2, 280. [4] ib., 284-287. [5] Cornwallis-Ross, 15.12.1797; Rose *Pitt 2*, 299. [6] Trevelyan *Grey*, 100. [7] Temperley, 120. [8] Romilly ii, 254. [9] Colchester i, 339. [10] Burke-Richard Burke, 26.1.1792; Burke *Corr.* iii, 379.

(ii) *Fitzwilliam*

[1] Robertson *Hanoverians*, 325. [2] Trevelyan *Grey*, 43. [3] Temperley, 31, 32 note. [4] Rose *Pitt 2*, 341. [5] Buckingham-Grenville, 20.9.1794; Dropmore ii, 634. [6] ib., 1.10.1794; ib., 697. [7] Grenville-Thos. Grenville, 15.10.1794, Bucks. ii, 312-316. [8] Pitt-Dundas, 14.10.1794, in Stanhope *Pitt* ii, 283. [9] 16.10.1794, ib. 289 seq. [10] 11.10.1794, Windham P. i, 258. [11] Stanhope *Pitt* ii, 285. [12] Grenville's Memorandum, March, 1795, Dropmore iii, 35-38. [13] Dropmore ii, 648. [14] ib., 655. [15] Lecky iii, 269, 15.1.1795. [16] Fitzwilliam-Portland, 10.2.1795, Lecky iii, 283. [17] Lecky iii, 272. [18] 28.1.1795, Dropmore iii, 13. [19] 16.2.1795, Lecky iii 291-3. [20] Rose *P. and N.*, 236. [21] Text in Stanhope *Pitt* ii, appendix xxiii-xxv. [22] Geo. III-Kenyon, 7.3.1795, Phillpotts, 5. [23] Campbell v., 285-6. [24] The King's Letters are in Phillpotts. [25] Phillpotts, 14. [26] ib., 26. [27] Dropmore iii, 548. [28] 19.2.1792. Burke *Corr.* iii, 419-415. [29] Bucks., 402. [30] cf. Rose *P. and N.*, 94. [31] Buckingham-Grenville, 14th and 15th Feb., 1789, Dropmore i, 411, 413. The same idea in letter after letter. [32] Buckingham-Grenville, 13th May, 1789, Dropmore i, 468. [33] Lecky iii, 277. [34] Grenville-Thos. Grenville, 27.9.1794, in Lecky iii, 250. [35] Windham's Diary, 321-333, in Lecky iii, 257.

(iii) *Pitt*

[1] 10.3.1795, Stanhope *Pitt* ii, xxvii. [2] O'Connor to Reinhard. [3] Lecky iii, 511. [4] ib., 92. [5] ib., 512. [6] ib., 434. [7] ib., 430-431. [8] ib., 442. [9] ib., 440. [10] ib., 461. [11] The United Irishmen Prisoners 1798 in McNeven, 178. [12] Lecky iii, 476. [13] Lake-Pelham, 16.4.1797, in Lecky iv, 50. [14] Camden-Grenville, 3.11.1797; Dropmore iii, 389. [15] Burke-Windham 16.5.1797; Windham P., ii, 56. [16] Cornwallis-Pitt, 25.9.1798, Cornwallis ii, 413. [17] Cited Lecky iv, 208. [18] ib. [19] Cornwallis-Ross, 15.4.1799, Cornwallis iii, 89. [20] Cited Lecky v, 9. [21] ib. 14. [22] ib., 14. [23] ib., 15. [24] Westmorland-Pitt, 24.11.1792, Lecky iii, 94. [25] Pitt-Westmorland, Nov., 1792, in Rose *Pitt, 1925*, 165. [26] Geo. III-Pitt, 13.6.1798, in Rose *P. and N.*, 243. [27] Rose *P. and N.*, 335. [28] 30.9.1798, Cornwallis ii, 414-5. [29] Cornwallis-Pelham, 15.10.1798, Lecky v, 156. [30] Hawkesbury-Mornington, 23.9.1798, in Rose-*Pitt, 1925*, 168. [31] Cornwallis-Portland, 16.9.1798, Cornwallis ii, 404. [32] Castlereagh i, 404. [33] Cornwallis-Ross, 15.11.1798, Cornwallis ii, 433. [34] Cornwallis ii, 434-5. [35] Pitt-Cornwallis, 17.11.1798, Stanhope *Pitt* iii, 161. [36] Cornwallis ii, 434, 443, 444. [37] Grenville-Buckingham, 11.12.1798, Bucks. ii, 419. [38] Dec., 1798, in Lecky v, 206-7. [39] Portland-Cornwallis, 30.1.1799, in Lecky v, 247. [40] Gasquet, 267-330. [41] 8.1.1799, Castlereagh iii, 80-86. [42] 12.1.1799, ib., 87. [43] 7.2.1799, Windham P., ii, 93,94. [44] Castlereagh-Pitt, 1.1.1801, in Lecky v, 433-5. [45] Campbell vi, 293-4. [46] Stanhope *Pitt* iii, 274. [47] Campbell vi, 288 note. [48] 19.10.1797, Lecky iv, 184. [49] Stanhope *Pitt* iii, 288. [50] Colchester, 2.3.1801, vol. i, 250. [51] Stanhope *Pitt* iii, 292. [52] ib., 304-6.

(iv) *George III*

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